



# Journal of the Senate

Number 14

Thursday, May 15, 1986

## PRAYER

The following prayer was offered by the Rev. Jerry Garrard, Pastor, Celebration Baptist Church, Tallahassee:

Let's bow together as we pray. Father, we say today with the psalmist, O Lord, our Lord, how majestic is your name in all the earth. We are grateful today to be able to make supplication, prayers and intercession for all men, for kings and for all those in authority. We pray today, Lord, that our leaders realize their own personal sinfulness and their daily need of cleansing power of the Lord Jesus; that they would recognize their personal inadequacy for the task and depend upon almighty God for wisdom and for knowledge, for understanding and for courage to carry out their task.

We pray they would reject the counsel that violates spiritual principles and that they would trust God to prove them right. We pray, Lord, they would resist the pressure of those who would have them violate their conscience and reverse the trends of socialism and humanism that's in our land, both of which dethrone God and deify man.

We pray, Lord, they would be ready to forsake their political careers and their own personal ambitions, if to do so would be in the best interest of this state; that they would rely upon prayer and the word of God as the source of their strength and the key to their success. And they would be able to restore the dignity and the honor, the trustworthiness and righteousness to the office of senator. We pray that they would remember to be a good example in their conduct, their fathers and the sons of this state, and be reminded daily they will be accountable to almighty God for their attitudes and their actions and their motives while serving as senator.

We thank you, our Lord, for this great state, for this great land and for the bounty of your hand. We pray that you would lead us; that you would protect us and you would guide us. In the strong name of Jesus, we pray. Amen.

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

Mr. President	Fox	Johnson	Peterson
Barron	Frank	Kiser	Scott
Beard	Girardeau	Langley	Stuart
Castor	Gordon	Malchon	Thomas
Childers, D.	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hair	McPherson	Weinstein
Crenshaw	Hill	Meek	
Deratany	Jenne	Myers	
Dunn	Jennings	Neal	

Excused: Senator Plummer; periodically, Senators Neal and Thomas to work on the appropriations bill and Senators Crawford, Hair, Jenne, Kirkpatrick and Langley to work on tort reform; Senator Meek at 3:45 p.m.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 15, 1986: SB 739, SB 717, SB 703, SB 1115, SB 332, SB 667, CS for SB 894, CS for SB 767, SB 777, SB 1024, SB 658, SB 706, SB 589, CS for SB 557, SB 694, CS for SB 520, SB 740, SB 561, CS for SB 411, SB 588, CS for SB 345, SB 350, SB 833, SB 778, SB 770, SB 1224, HB 342, HB 624, HB 913, HB 930, HB 43, SB 741

Respectfully submitted,  
Kenneth C. Jenne, Chairman

The Committee on Judiciary-Civil recommends the following pass: SB 89 with 1 amendment

**The bill was referred to the Committee on Appropriations under the original reference.**

The Committee on Judiciary-Civil recommends the following pass: SJR 1159

**The bill was referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Judiciary-Civil recommends the following pass: SB 534

**The bill was placed on the calendar.**

The Committee on Education recommends a committee substitute for the following: Senate Bills 86 and 748

The Committee on Governmental Operations recommends committee substitutes for the following: CS for SB 554, SB 892

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1191, SB 1256

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.**

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1008

**The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 776

**The bill with committee substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.**

The Committee on Governmental Operations recommends a committee substitute for the following: SB 474

**The bill with committee substitute attached was referred to the Committee on Education under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1235

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 426, SB 1145, SB 1179, SB 1242

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Education recommends a committee substitute for the following: Senate Bills 1180 and 1230

**The bills with committee substitute attached were referred to the Committee on Health and Rehabilitative Services under the original reference.**

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 192

**The bill with committee substitute attached was placed on the calendar.**

## REQUESTS FOR EXTENSION OF TIME

May 14, 1986

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 680, 682, 950, 1033, 1149, 1165, 1220, 1233; House Bills 73, 182, 267

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 619, 687, 1171, 1190, 1198, 1205

## INTRODUCTION AND REFERENCE OF BILLS

## First Reading

By Senator Fox—

**SR 1315**—A resolution commending the Florida Wing of the Civil Air Patrol for public service to the people of the State of Florida.

—was referred to the Committee on Rules and Calendar.

**SB 1316** was introduced and adopted May 14.

By Senator Girardeau—

**SB 1317**—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; amending section 1 of chapter 21418, Laws of Florida, 1941, as amended; exempting certain current members of the Ocean Highway and Port Authority from a residency requirement; changing the date upon which port commissioners assume office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Girardeau—

**SB 1318**—A bill to be entitled An act relating to Nassau County; amending section 1 of chapter 59-1599, Laws of Florida, increasing salaries for the members of the board of commissioners of the Amelia Island Mosquito Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Education and Senators Johnson, Castor, Myers and Grizzle—

**CS for SB's 86 and 748**—A bill to be entitled An act relating to education; providing legislative intent; creating the Teacher Career Development Program; specifying duties of the Commissioner of Education; providing for the submission of program plans; specifying plan requirements; creating the Teacher Career Development Program Trust Fund; repealing ss. 231.533, 231.534, F.S., which establish the State Master Teacher Program and provide for subject area examinations; amending ss. 231.172, 231.532, 231.6125, 233.07, 233.09, 236.1227, F.S.; deleting references to the State Master Teacher Programs; providing for incentive payments to associate master teachers; requiring recommendations by the Commissioner of Education for enhancing the teaching profession; establishing the Interim Instructional Materials Study Commission within the Department of Education; prescribing its membership and duties; providing for reports and recommendations; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Jenne and Weinstein—

**CS for SB 192**—A bill to be entitled An act relating to condominiums and cooperatives; creating ss. 718.1035, 719.1035, F.S.; providing that the use of a power of attorney that affects any aspect of the operation of a condominium or cooperative shall be subject to certain requirements; amending s. 718.111, F.S.; authorizing the condominium association to take part in actions in eminent domain; revising language with respect to official records; amending s. 718.112, F.S.; revising language with respect to bylaws, the annual budget of common expenses of a condominium with respect to reserve accounts for deferred maintenance, assessments, transfer fees, fidelity bonds, and arbitration; authorizing the acceleration of assessments under certain circumstances; providing for fidelity bonds; amending ss. 718.116, F.S.; providing for priority of liens; amending s.

718.3025, F.S., relating to operation, maintenance, or management; amending s. 718.501, F.S., relating to powers and duties of the division; amending s. 718.608, F.S., relating to notice of conversion and time of delivery; amending s. 719.103, F.S., relating to definitions; amending s. 719.104, F.S.; providing for required official records with respect to cooperative associations; amending s. 719.105, F.S., relating to cooperative parcels; amending s. 719.106, F.S.; revising language with respect to the annual budget of common expenses of a cooperative with respect to reserve accounts for deferred maintenance; providing for priority of liens; amending s. 719.107, F.S., relating to common expenses; amending s. 719.108, F.S., relating to rent and assessment; amending s. 719.109, F.S., relating to rights of owners to peaceably assemble; amending s. 119.110, F.S., relating to limitation on actions by association; amending s. 719.111, F.S., relating to attorney's fees; amending s. 719.112, F.S., relating to unconscionable leases; creating s. 719.114, F.S., relating to separate taxation of parcels; creating s. 719.1255, F.S., relating to arbitration of disputes; amending s. 719.202, F.S., relating to sales or reservation deposits; amending s. 719.203, F.S., relating to warranties; amending s. 719.301, F.S., relating to the transfer of association control; amending s. 719.302, F.S., relating to association agreements; amending s. 719.303, F.S., relating to owner obligations; amending s. 719.304, F.S., relating to the association's right to amend cooperative documents; amending s. 719.401, F.S., relating to leaseholds; amending s. 719.403, F.S., relating to phase cooperative; amending s. 719.501, relating to powers and duties of the division; amending s. 719.502, F.S., relating to filing prior to sale or lease; amending s. 719.503, F.S., relating to disclosure prior to sale; amending s. 719.504, F.S., relating to prospectus; amending s. 719.506, F.S., relating to publication of false information; amending s. 719.606, F.S., relating to conversion to cooperatives; amending s. 719.608, F.S., relating to notice of intended conversion; amending s. 719.61, relating to notices; amending s. 719.612, F.S., relating to right of first refusal; amending s. 719.616, F.S., relating to disclosure of condition of building; amending s. 719.618, F.S., relating to converter reserve accounts; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Plummer—

**CS for SB 426**—A bill to be entitled An act relating to natural resources; creating the "Florida Coral Reefs Restoration Trust Fund Act"; providing legislative findings and purposes; creating the Coral Reefs Restoration Trust Fund in the Department of Natural Resources and providing for deposit of certain damages recovered by the state therein; prescribing purposes and procedures for expenditures from the fund; providing an effective date.

By the Committee on Governmental Operations and Senators Stuart, Fox, Kirkpatrick, Peterson and Frank—

**CS for SB 474**—A bill to be entitled An act relating to education and the promotion of national and international amateur athletic competition and olympic training centers; creating an Office of International Education within the Department of Education; providing for duties; creating the Florida Commission on International Education; providing for composition, duties, and powers thereof; providing for the incorporation of international education within instructional programs; amending s. 14.22, F.S.; providing duties of the Governor's Council on Physical Fitness and Sports; providing for establishment of olympic training centers; providing for Sunshine State Games and olympic training centers direct-support organizations; specifying information which is exempt from the provisions of law relating to public records; providing for repeal and review of the exemptions pursuant to the Open Government Sunset Review Act; amending s. 240.1201, F.S.; authorizing the classification of certain students from Latin America and the Caribbean to be eligible as residents for tuition purposes; requiring the establishment of a postsecondary consortium; directing the Postsecondary Education Planning Commission to study the feasibility of establishing a hemispheric studies center; requiring the Department of Education to contract for the provision of educational outreach activities; providing for review and repeal; providing an appropriation; providing an effective date.

By the Committees on Governmental Operations and Corrections, Probation and Parole and Senator Hill—

**CS for CS for SB 554**—A bill to be entitled An act relating to state contracts; amending s. 287.058, F.S., providing an exemption from provisions which require a written agreement for procurement of certain contractual services; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Grizzle—

**CS for SB 776**—A bill to be entitled An act relating to nursing homes; amending s. 400.211, F.S., changing certification requirements for nursing assistants in nursing homes by the Department of Education; authorizing the department to deny, suspend, or revoke the certification of a nursing assistant in any nursing home; providing grounds therefor; amending s. 400.23, F.S.; changing the term of a superior rated license; providing an effective date.

By the Committee on Governmental Operations and Senators Neal, Jenne, Thomas, Castor, Hair, Johnston, Mann, Kirkpatrick and Crawford—

**CS for SB 892**—A bill to be entitled An act relating to the Division of Administrative Hearings; amending s. 120.65, F.S.; deleting provisions which exempt the division from the planning and budgeting provisions of ch. 216, F.S.; providing a procedure for the division to appeal certain actions of the Executive Office of the Governor which affect the division's operation; requiring certain governmental entities to provide facilities for the division's use in conducting proceedings; amending s. 216.023, F.S.; providing for the division to submit budget requests directly to the Legislature; amending s. 216.181, F.S.; providing for the salary rate for the division to be established in the General Appropriations Act or statement of intent; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Dunn—

**CS for SB 1008**—A bill to be entitled An act relating to litter control; creating the "Solid Waste Management, Litter Control, and Recycling Act"; providing legislative findings; providing legislative goals; providing responsibilities with respect to recycling; providing for education of the public; providing for monitoring and evaluation; specifying powers and duties of the Department of Environmental Regulation; requiring reports to the Legislature; requiring the appointment of a Solid Waste Management Advisory Committee; providing restrictions on beverage containers; providing penalties; providing for legislative review of the Advisory Committee; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator McPherson—

**CS for SB 1145**—A bill to be entitled An act relating to saltwater products; amending s. 370.027, F.S.; limiting rulemaking authority of the Marine Fisheries Commission; amending s. 370.06, F.S.; prescribing who must have a saltwater products license; amending s. 370.07, F.S.; defining the terms "wholesale dealer" and "retail dealer"; deleting the terms "wholesale seafood dealer" and "retail seafood dealer"; conforming language; clarifying language; providing requirements relating to transportation of saltwater products; providing penalties; providing for the confidentiality of certain reports; amending s. 370.071, F.S.; authorizing the Department of Natural Resources to adopt rules relating to specified sanitary practices involving oysters, clams, mussels, and crabs; providing a license requirement; authorizing the department to revoke such license under certain circumstances; authorizing the destruction of certain adulterated or misbranded products; amending s. 6, ch. 83-134, Laws of Florida, as amended; revising the list of statutory provisions relating to marine fisheries that will stand repealed upon adoption of appropriate rules by the Governor and Cabinet; providing that certain rules shall remain in force as rules of the Department of Natural Resources; providing that oysters sold in this state must be labeled as to point of harvest; providing effective dates.

By the Committee on Natural Resources and Conservation and Senator McPherson—

**CS for SB 1179**—A bill to be entitled An act relating to state lands; amending s. 253.023, F.S.; providing for additional moneys to be deposited in the Conservation and Recreation Lands Trust Fund; transferring certain moneys to the Land Acquisition Trust Fund for a certain purpose; amending s. 375.041, F.S.; prohibiting certain uses of the Land Acquisition Trust Fund; providing an effective date.

By the Committee on Education and Senators Kirkpatrick and Gordon—

**CS for SB's 1180 and 1230**—A bill to be entitled An act relating to education; providing definitions; prohibiting the order or purchase, for use in public schools, of art supplies containing toxic substances; autho-

rizing exemptions; providing for rules; specifying duties of the Department of Health and Rehabilitative Services and the Department of Education; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Fox—

**CS for SB 1191**—A bill to be entitled An act relating to the Biscayne Bay Aquatic Preserve; amending s. 258.397, F.S.; providing for further protection and improvement of water quality in Biscayne Bay and its major tributaries; providing for further protection and management of resources of the bay; modifying the dredge and fill permitting process in the bay area; amending s. 403.814, F.S., to conform; providing appropriations; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Myers—

**CS for SB 1235**—A bill to be entitled An act relating to mosquito control; creating s. 388.0101, F.S.; providing legislative intent; amending s. 388.011, F.S.; providing definitions; amending s. 388.021, F.S.; providing for the control of arthropods in certain areas; amending s. 388.101, F.S.; revising provisions with respect to district boards of commissioners; amending s. 388.141, F.S.; increasing the amount of salary which may be paid to district boards of commissioners; amending s. 388.201, F.S.; modifying the time for promulgation and notice of certain district budget proceedings; amending s. 388.221, F.S.; modifying district taxing procedures and providing for compensation for county tax officers; amending s. 388.241, F.S., relating to the authority of the boards of county commissioners of certain counties with respect to mosquito control; amending s. 388.271, F.S.; directing the Department of Health and Rehabilitative Services to guide and approve activities of agencies receiving state funds for arthropod control; amending s. 388.281, F.S., relating to the use of state funds for source reduction and enhancement of ecological integrity; amending s. 388.291, F.S.; providing for source reduction rather than eliminative control; amending s. 388.361, F.S.; providing for rules of the Department of Health and Rehabilitative Services; creating s. 388.3711, F.S.; providing for enforcement; creating s. 388.4111, F.S.; providing for arthropod control on public lands; amending s. 388.42, F.S.; naming the West Florida Arthropod Research Laboratory; prescribing its duties; creating s. 388.45, F.S.; authorizing the Secretary of Health and Rehabilitative Services to declare a threat to public health with respect to infectious diseases transmitted by arthropods; creating s. 388.46, F.S.; creating the Florida Coordinating Council on Mosquito Control; providing for review and repeal; providing effective dates.

By the Committee on Natural Resources and Conservation and Senator Kirkpatrick—

**CS for SB 1242**—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S., providing clarifying language with respect to saltwater products licenses; authorizing an alternative license fee for nonresident licenses; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Neal, Stuart, Crawford, Jenne and Gordon—

**CS for SB 1256**—A bill to be entitled An act relating to agency reorganization; amending s. 20.325, F.S.; redesignating the Game and Fresh Water Fish Commission as the Fish and Wildlife Commission; transferring the Division of Marine Resources and the Division of Law Enforcement of the Department of Natural Resources to the Fish and Wildlife Commission, except for specified functions which are transferred to the Department of Agriculture and Consumer Services of the Commissioner of Agriculture; transferring the Marine Fisheries Commission of the Department of Natural Resources to the Fish and Wildlife Commission; amending s. 372.01, F.S.; providing for membership of the Fish and Wildlife Commission; amending s. 372.021, F.S.; providing powers, duties, and authority of the commission; providing standards for rules adopted by the commission; providing for recommendations and proposals by the Marine Fisheries Commission; amending s. 372.09, F.S.; redesignating the State Game Trust Fund as the Fish and Wildlife Trust Fund; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; prohibiting certain unlawful uses of a saltwater fishing license; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; providing for a marine information system; creating additional positions and providing

appropriations; providing for a review of other matters required to complete the transfer of functions to the Fish and Wildlife Commission; repealing s. 370.025, F.S., relating to marine fisheries policy and standards, ss. 370.027, 370.028, F.S., relating to the Marine Fisheries Commission, and s. 370.029, F.S., relating to the Marine Fisheries Commission Trust Fund, and ss. 370.032, 370.033, 370.034, 370.036, 370.037, 370.038, F.S., relating to regulation of dredge and fill activities by the Department of Natural Resources; providing a conditional effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Fox, by two-thirds vote CS for SB 871 was withdrawn from the Committee on Governmental Operations and recommended to the Committee on Health and Rehabilitative Services.

On motions by Senator Neal, by two-thirds vote Senate Bills 227, 387, 449, 457, 780 and 926 were withdrawn from the Committee on Appropriations.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 170, 8, CS for SB 56 and CS for SB 66 which he approved on May 15, 1986.

#### EXECUTIVE BUSINESS

*The Honorable Harry A. Johnston, II*  
President, The Florida Senate

May 13, 1986

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>	
Board of Trustees of Central Florida Community College, Members		
Appointees: Mathis, Benjamin L.	05/31/89	
Sandlin, Robert P.	05/31/89	
Board of Trustees of Chipola Junior College, Members		
Appointees: Tucker, T. Michael	05/31/89	
Williams, Gladys Nick	05/31/89	
Yates, Kenneth R.	05/31/89	
Board of Trustees of Daytona Beach Community College, Members		
Appointees: Gillespie, Sally I.	05/31/89	
McKinnon, Jr., Noah C.	05/31/89	
Williams, Sr., George R.	05/31/89	
Board of Trustees of Florida Junior College at Jacksonville, Member		
Appointee: Cook, Betty P.	05/31/89	
Board of Trustees of Florida Keys Community College, Members		
Appointees: Martin, William J.	05/31/89	
Shaw, Fred	05/31/89	
Board of Trustees of Hillsborough Community College, Member		
Appointee: Emmons, Earl J.	05/31/87	
Board of Trustees of Indian River Community College, Members		
Appointees: Berg, Peggy W.	05/31/89	
Rizzolo, Janet P.	05/31/89	
Board of Trustees of Manatee Community College, Member		
Appointee: Smith, Jan Ellis	05/31/89	
Board of Trustees of Miami-Dade Community College, Members		
Appointees: Medina, Manuel D.	05/31/89	
Revell, Walter L.	05/31/89	
Board of Trustees of North Florida Junior College, Members		
Appointees: Schnitker, Claymore	05/31/87	
Stone, Thomas E.	05/31/89	
Wimberley, Amos Edward	05/31/89	
Board of Trustees of Okaloosa-Walton Junior College, Members		
Appointees: Byrne, II, Patrick E.	05/31/89	
Coursey, Hilda R.	05/31/89	
Board of Trustees of Pasco-Hernando Community College, Members		
Appointees: Loftin, Myra W.	05/31/89	
Sasser, David C.	05/31/89	
Board of Trustees of Tallahassee Community College, Member		
Appointee: Richardson, III, John B.	05/31/89	
Construction Industry Licensing Board, Members		
Appointees: Parker, Edward A.	02/18/88	
Rogers, Jr., George A.	02/18/88	
Board of Cosmetology, Members		
Appointees: Douglas, Charles R.	01/01/88	
Stewart, Charlotte C.	01/01/90	
Vanhoof, Lucia T.	01/01/89	
Board of Trustees of the Florida School for the Deaf and the Blind, Members		
Appointees: Gold, Gay	11/20/89	
Pillot, Gene M.	11/13/89	
Education Practices Commission, Members		
Appointees: Hamilton, Betty L.	09/30/89	
Ratzlaff, Judith L.	09/30/89	
Wilson, Carolyn H.	09/30/89	
Board of Accountancy, Members		
Appointees: Jones, Jr., Whipple Van Ness	12/26/89	
Stroupe, Margaret F.	12/26/89	
Florida Black Business Investment Board, Members		
Appointees: Hill, Arthur J.	09/30/89	
Howard, John H.	09/30/86	
James, Jr., Levy	09/30/88	
Lombardia, B. J.	09/30/87	
Ransom, Pearlene L.	09/30/88	
Smith, John Edward	09/30/88	
Wells, Jr., Joel R.	09/30/89	
Board of Building Codes and Standards, Members		
Appointees: Marshall, Suzanne Adkins	03/11/89	
Nell, Charles A.	02/07/89	
White, Albert LeRoy	02/07/89	
Capital Collateral Representative for the State of Florida		
Appointee: Spalding, Larry H.	07/31/89	
Capitol Center Planning Commission, Members		
Appointees: Anstis, James H.	09/30/89	
Langford, Sr., George R.	09/30/89	
Career Service Commission, Members		
Appointees: Galbreath, Estelle G.	12/01/89	
Quigley, Edward T.	11/22/89	
Board of Chiropractic, Member		
Appointee: Garber, Sam	08/01/86	
Clinical Laboratories Advisory Council, Members		
Appointees: Lineback, Janet A.	11/30/89	
Varidin, P. E.	11/30/86	
State Board of Community Colleges, Members		
Appointees: Shores, Debbi	09/30/86	
Williams, Wendell W.	09/30/90	
Board of Trustees of Broward Community College, Member		
Appointee: Lantz, Charles W.	05/31/89	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Education Standards Commission, Members Appointees: Harmon, Mary Jean Miller, Martin E. Smith, David C. Trice, Grace D.	09/30/88 09/30/88 09/30/88 09/30/88	Tampa Port Authority, Member Appointee: Ross, Dennis M.	11/25/89
Florida Elections Commission, Members Appointees: Chira, Carol B. Huckshorn, Robert J. Kelley, Anne E.	12/10/87 12/05/89 12/10/89	Postsecondary Education Planning Commission, Members Appointees: Dominicus, Jorge Smith, Harry L.	08/31/86 02/04/89
Electrical Contractors' Licensing Board, Members Appointees: Anderson, Audrea I. Morgan, Jr., Paul H.	12/17/89 12/17/89	Historic Key West Preservation Board of Trustees, Member Appointee: McCoy, Merili H.	10/12/88
Commission on Ethics, Members Appointees: Brodie, Myron J. Davis, Henry E. Eigen, Robert J.	06/30/87 06/30/87 06/30/87	Historic Florida Keys Preservation Board of Trustees, Member Appointee: Daniels, W. S.	11/29/88
Florida State Fair Authority, Congressional District 6, Member Appointee: Ward, Jr., Carroll L.	06/30/89	Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc., Members Appointees: Fortner, G. S. Glisson, J. Floyd Mills, Joe D. Toms, Gerald E.	09/30/89 09/30/89 09/30/89 09/30/89
Board of Funeral Directors and Embalmers, Members Appointees: Graham, Jr., Marion Sowell, Donnie H. Toale, Debra Yent	08/01/89 08/01/86 08/01/89	Florida Public Service Commission, Member Appointee: Marks, III, John R.	01/01/90
Board of Trustees of South Lake County Hospital District, Members Appointees: McQuaig, Marjorie G. Seaver, Oakley	07/05/89 07/05/89	Commission for Purchase from the Blind or Other Severely Handicapped, Members Appointees: Coloney, Wayne H. Moore, Louis Sokolowski, Janet E.	10/01/89 10/01/89 10/01/88
Florida Commission on Human Relations, Members Appointees: Billingslea, Robert L. Flom, Elena Ramsey, Learna G. Townsend, Ronald P.	09/30/89 09/30/89 09/30/89 09/30/87	Florida Real Estate Commission, Member Appointee: Worsham, Charlie V.	11/16/89
State Board of Independent Colleges and Universities, Members Appointees: Jones, Donald C. O'Neill, Patrick H.	09/30/88 09/30/88	Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County, Member Appointee: Stearman, Michael G.	07/13/89
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, Members Appointees: Bloodsworth, Clifford E. Lima, Judy	07/01/88 07/01/88	West Florida Regional Planning Council, Region 1, Mem- bers Appointees: Cameron, Marilyn V. Gahlenbeck, William A. Savell, Tavis I. Warren, Jr., M. O.	10/01/88 10/01/88 10/01/88 10/01/88
Investment Advisory Council, Member Appointee: Higginbotham, Dennis D.	12/12/88	Apalachee Regional Planning Council, Region 2, Members Appointees: Forehand, Millie Smith, Carlton Solomon, Gregory Speed, Sr., Willie L. Strickland, Jo Anne T.	10/01/88 10/01/88 10/01/85 10/01/88 10/01/88 10/01/88
Board of Medical Examiners, Members Appointees: Lutz, H. Roger O'Bryan, Joseph P.	08/01/89 08/01/89	North Central Florida Regional Planning Council, Region 3, Members Appointees: Allen, Rebecca S. Durham, Garry W. Green, II, Jerry J. Langford, N. G. Milner, Jr., Robert W. Myers, Fletcher Schofield, Anna Mae	10/01/88 10/01/88 10/01/88 10/01/86 10/01/88 10/01/88 10/01/88
Board of Opticianry, Member Appointee: Wood, Sr., Edward O.	12/26/89	Northeast Florida Regional Planning Council, Region 4, Members Appointees: Fish, Jr., Hugh D. Pikula, Michael R. Strickland, Betty Jo Revels Swett, Sam L.	10/01/88 10/01/88 10/01/88 10/01/86
Board of Optometry, Members Appointees: Jacobs, Jon S. Pearce, Jr., Willard C.	12/28/89 12/28/86	Withlacoochee Regional Planning Council, Region 5, Mem- bers Appointees: Harris, Kathryn P. Knope, Sally Ann Neville, Eunice M.	10/01/88 10/01/88 10/01/88
Florida Pari-mutuel Commission, Member Appointee: Schofman, M. A.	06/30/86	East Central Florida Regional Planning Council, Region 6, Members Appointees: Benedict, III, Joseph Gougelman, III, Paul R. Morse, W. H.	10/01/88 10/01/88 10/01/88
Parole and Probation Commission, Members Appointees: Simmons, Kenneth W. Wolson, Judith A.	10/06/89 07/01/89		
Board of Pharmacy, Member Appointee: Greene, Newton	08/01/89		
Board of Pilot Commissioners, Members Appointees: Jackson, Robert I. Maddox, Gary	06/30/87 06/30/89		
Ponce DeLeon Port Authority, Member Appointee: Stark, Richard	02/01/89		

<i>Office and Appointment</i>		<i>For Term Ending</i>
van den Berg, Alexander W.		10/01/88
Central Florida Regional Planning Council, Region 7, Members		
Appointees:	Sanders, Kenneth M.	10/01/88
	Ward, Mary Ellen	10/01/88
Tampa Bay Regional Planning Council, Region 8, Members		
Appointees:	Knowlton, David H.	10/01/88
	McFarland, Jr., Joseph R.	10/01/88
Southwest Florida Regional Planning Council, Region 9, Members		
Appointees:	Bennett, H. L.	10/01/88
	Meiers, Gordon D.	10/01/88
	Storter, Vance	10/01/88
Treasure Coast Regional Planning Council, Region 10, Members		
Appointees:	McCloskey, Jr., Thomas D.	10/01/88
	Orman, Richard G.	10/01/88
	Paige, Margaret B.	10/01/88
South Florida Regional Planning Council, Region 11, Members		
Appointees:	Gold, Salomon	10/01/85
	Koenig, John M.	10/01/88
	Lewis, Evelyn J.	10/01/88
Board of Veterinary Medicine, Members		
Appointees:	Bloomberg, Mark S.	08/01/89
	Smith, Mavis M.	08/01/89
Governing Board of the St. Johns River Water Management District, Members		
Appointees:	Simmons, Ralph E.	07/01/89
	Smith, Jr., Kelley R.	07/01/89
	Swett, Sam L.	07/01/89
Governing Board of the South Florida Water Management District, Members		
Appointees:	Gallagher, James N.	07/01/87
	Reed, Nathaniel P.	07/01/89
	Roen, Nancy	07/01/89
Governing Board of the Suwannee River Water Management District, Members		
Appointees:	Chandler, Jr., Ernest Stamps	07/01/89
	Hendrick, Mitzi Clark	07/01/89
	Starnes, Earl M.	07/01/89
	Wershow, Jonathan F.	07/01/89

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to the adjournment of the 1986 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

W. D. Childers, Chairman  
Franklin B. Mann, Vice Chairman  
Betty Castor

Toni Jennings  
Patrick K. Neal

On motion by Senator W. D. Childers, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—31

Mr. President	Dunn	Jenne	Myers
Barron	Fox	Johnson	Peterson
Beard	Frank	Kiser	Scott
Castor	Girardeau	Langley	Thomas
Childers, D.	Gordon	Malchon	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crenshaw	Hair	McPherson	Weinstein
Deratany	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Neal

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### First Reading

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed HB 36, CS for HB 408, HB 1207 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative M. E. Hawkins—

**HB 36**—A bill to be entitled An act relating to education; amending s. 228.087, F.S., expanding the scope of certain summer camp programs to all elementary and secondary students; providing an effective date.

(Substituted for SB 706 on the special order calendar this day.)

By the Committee on Regulated Industries and Licensing and Representative Sample—

**CS for HB 408**—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S.; prohibiting persons under 18 from being involved in the conduct of bingo games; authorizing organizations conducting bingo to refuse entry to certain persons; providing a penalty; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Agriculture and Representative Mitchell—

**HB 1207**—A bill to be entitled An act relating to poultry; amending s. 583.181, F.S.; changing authorized procedures for the disposal of dead poultry and hatchery residue; providing an effective date.

—was referred to the Committee on Agriculture.

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

**CS for SB 203**—A bill to be entitled An act relating to boat registration and safety; amending s. 327.50, F.S.; providing safety regulations; creating s. 327.73, F.S.; specifying noncriminal violations; providing procedures; amending s. 327.72, F.S.; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 10, insert:

Section 1. Section 861.065, Florida Statutes, is amended to read:

861.065 Divers; definitions; divers-down flag required; *obstruction of certain waters*; penalty.—

(1) "Diver" means any person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

(2) "Underwater breathing apparatus" shall mean any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any other gas or gases for breathing without returning to the surface of the water.

(3) "Divers-down flag" shall mean a flag that is either square or rectangular, to approximately 4 units high by 5 units long, with a 1-unit diagonal stripe. The divers-down flag shall have a white diagonal stripe on a red background. The stripe shall begin at the top staff-side of the flag and extend diagonally to the opposite lower corner. The flag shall be free-flying and shall be lowered when all divers are aboard or ashore. The minimum size shall be 12 by 12 inches.

(4) All divers shall prominently display a divers-down flag in the area in which the diving occurs, other than when diving in an area customarily used for swimming only.

(5) No diver or group of divers shall display one or more divers-down flags, on a river, inlet, or navigation channel, except in case of emergency, in a manner which shall unreasonably constitute a navigational hazard.

(6) Divers shall make reasonable efforts to stay within 100 feet of the divers-down flag, on rivers, inlets and navigation channels.

(7)(6) Any willful violation of this section shall be a misdemeanor of the second degree punishable as provided by s. 775.082 or s. 775.083.

**Amendment 2**—On page 1, in the title, line 3, after the semicolon, insert: amending s. 861.065, F.S.; prohibiting divers from obstructing certain waters with divers-down flags;

**Amendment 3**—On page 4, line 12, insert the following:

Section 3. Section 327.65, Florida Statutes, is amended to read:

327.65 Muffling devices.—

(1) The exhaust of every internal combustion engine used on any vessel operated on the waters of this state shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs.

(2)(a) Any county wishing to impose additional noise pollution and exhaust regulations on vessels may, pursuant to Chapter 327.60(1), F.S., adopt by county ordinance the following regulations:

1. No person shall operate or give permission for the operation of any vessel on the waters of any county or on a specified portion of the waters of any county, including the Florida Intracoastal Waterway, which has adopted the provisions of this section in such a manner as to exceed the following sound levels at a distance of fifty feet from the vessel: for all vessels, a maximum sound level of 90 dB A.

2. Any person who refuses to submit to a sound level test when requested to do so by a law enforcement officer is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Definitions - The following words and phrases, when used in this section shall have the meanings respectively assigned to them in this subsection.

1. "dB A" means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.

2. "Sound level" means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided.

Section 4. Subsection (2) of Section 327.33, Florida Statutes, is amended to read:

327.33 Reckless or careless operation of vessel.—

(2) Any person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions vessel wake

, and all other attendant circumstances so as not to endanger the life, limb, or property of any person. The failure to operate a vessel in such a manner constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person who violates the provisions of this subsection is guilty of a noncriminal violation as defined in s. 775.08.

(Renumber subsequent sections.)

**Amendment 4**—On page 1, in the title, line 7, after the semicolon insert: amending s. 327.65, F.S.; requiring exhaust of vessels to be effectively muffled; allowing counties to adopt specified standards for sound levels of vessels; prohibiting refusal to submit to a sound level test when requested; providing penalties; amending s. 327.33, F.S., providing for reckless or careless operation of vessel;

On motions by Senator Stuart, the Senate concurred in the House amendments.

CS for SB 203 passed as amended and was ordered engrossed and then enrolled.

The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fox	Kiser	Scott
Barron	Frank	Langley	Stuart
Beard	Girardeau	Malchon	Thomas
Castor	Gordon	Margolis	Thurman
Childers, D.	Grizzle	McPherson	Vogt
Childers, W. D.	Hair	Meek	Weinstein
Crenshaw	Hill	Myers	
Deratany	Jenne	Neal	
Dunn	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

**CS for CS for SB 206**—A bill to be entitled An act relating to environmental protection; amending s. 215.22, F.S.; authorizing certain administrative deductions from the Port Trust Fund; amending s. 376.11, F.S., relating to the Florida Coastal Protection Trust Fund; providing a definition; deleting provisions relating to acquisition and improvement of spoil disposal sites for designated ports; reducing the limits of the fund; deleting provisions relating to administration of the trust fund; authorizing the loan of certain moneys from the fund to the Inland Protection Trust Fund and the transfer of certain moneys to the Port Trust Fund; creating s. 376.22, F.S.; establishing the Port Trust Fund for acquisition and improvement of spoil disposal sites for designated ports; amending s. 376.30; revising legislative intent with respect to ss. 376.30-376.317, F.S.; authorizing the establishment of a program for restoring or replacing potable water systems or potable water wells contaminated with pollutants; authorizing reimbursement of the Department of Health and Rehabilitative Services for certain services; amending s. 376.301, F.S.; adding definitions of terms used in ss. 376.30-376.317, F.S.; creating s. 376.3025, F.S.; making it unlawful to intentionally damage a petroleum storage system or petroleum product pipeline; providing a penalty; amending s. 376.303, F.S.; revising powers and duties of the Department of Environmental Regulation under ss. 376.30-376.317, F.S.; creating s. 376.304, F.S.; fixing fees with respect to registration of pollutant storage systems and petroleum product pipelines; providing for deposit in the Inland Protection Trust Fund and the Water Quality Assurance Trust Fund; providing for issuance and display of registration certificates; amending s. 376.305, F.S.; revising cross-references to conform to this act; providing that an undertaking to contain, remove, or abate a discharge of a pollutant is not an admission of responsibility for the discharge; creating s. 376.3071, F.S.; establishing the Inland Protection Trust Fund to be used for the purposes of ss. 376.30-376.317, F.S., and to respond to incidents of environmental contamination related to petroleum product discharges; providing for funding of the fund from the Florida Coastal Pro-



tection Trust Fund and other sources; creating part IV of chapter 206, F.S., consisting of ss. 206.9915-206.9945, F.S.; providing legislative intent; providing definitions; imposing certain excise taxes on the sale or use of pollutants; providing for administration, collection, and distribution of the tax; providing penalties; establishing a temporary petroleum product detection incentive program for reporting petroleum storage system and petroleum product pipeline leaks; limiting certain information as to evidence of liability; authorizing reimbursement of site cleanup costs for certain persons; creating s. 376.3075, F.S.; providing for criteria for cleanup of sites contaminated by petroleum products and for cessation of cleanup activities; creating s. 376.3077, F.S.; authorizing the Department of Environmental Regulation to contract with local governments for the administration of cleanup and other responsibilities through locally administered programs; amending s. 376.308, F.S.; revising cross-references to conform with this act; conforming terminology; amending s. 376.309, F.S.; revising cross-references to conform with this act; providing for manner of bringing claims; amending s. 376.313, F.S.; revising cross-references to conform with this act; creating s. 376.314, F.S.; authorizing the department to hold harmless and indemnify certain response action contractors; requiring the department to adopt rules providing standards for indemnification; providing criteria; amending ss. 376.315, 403.091, F.S.; revising cross-references to conform with this act; amending s. 403.1655, F.S.; authorizing the Department of Environmental Regulation to use the Water Quality Assurance Trust Fund or the Inland Protection Trust Fund to respond to certain incidents in an emergency; creating s. 403.7245, F.S.; authorizing the department to hold harmless and indemnify certain response action contractors; requiring the department to adopt rules providing standards for indemnification; providing for criteria; transferring s. 376.307, F.S., to s. 403.7255, F.S., and amending said section; revising purposes for which the Water Quality Assurance Trust Fund may be expended; providing for collection of the excise tax; providing for actions to reimburse the trust fund; deleting provisions relating to the administration of the trust fund; amending s. 403.726, F.S.; providing for use of moneys in the Inland Protection Trust Fund to abate imminent hazards caused by hazardous substances; amending s. 489.105, F.S.; defining the terms "petroleum storage systems specialty contractor," "pollutant storage tank," and "tank" with respect to regulating the practice of contracting; amending s. 489.113, F.S.; requiring rules to be adopted for certifying petroleum storage system specialty contractors; providing for temporary certification; prohibiting practice by uncertified persons; providing for inspection of installation or construction of pollutant storage tanks; providing for delegation of responsibilities; providing for injunctions against installation or construction of pollutant storage tanks; requiring notice of certification requirements to certain mechanical and plumbing contractors; amending s. 489.127, F.S.; providing penalties for violations; providing for future repeal and review of provisions of the act relating to petroleum storage systems specialty contractors; amending s. 570.07, F.S.; requiring the Department of Agriculture and Consumer Services to notify the Department of Environmental Regulation with respect to unregistered tanks; creating a Financial and Technical Advisory Committee; providing for duties, membership, terms, meetings of the committee; amending s. 376.11, F.S.; providing for crediting certain excise taxes to the Florida Coastal Protection Trust Fund; providing legislative intent; exempting the Department of Revenue from certain provisions of chapters 283, 287, F.S.; creating s. 206.485, F.S.; providing certain tracking system reporting requirements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

**Amendment 1**—On page 5, line 23, strike everything after the enacting clause and insert the following (CS for CS for HB 269 with technical and clarifying amendments incorporated):

Section 1. Short title.—This act shall be known and may be cited as the "State Underground Petroleum Environmental Response Act of 1986."

Section 2. Subsection (18) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and income of a revenue nature deposited in the following described trust funds, by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(18) All revenues deposited in the *accounts within the Water Quality Assurance Trust Fund* created pursuant to ss. s. 376.307 and 376.3071.

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect when, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

Section 3. Paragraph (b) of subsection (3) and paragraphs (f) and (g) of subsection (5) of section 376.11, Florida Statutes, are amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(3)(b)1. Effective July 1, 1980, 50 percent of the interest earned from investments of the fund when the balance of the fund is greater than \$30 million shall be used for the acquisition of spoil disposal sites and improvements to existing and future spoil sites for the ports of St. Petersburg Bayboro Harbor, Jacksonville, Port Canaveral, Ft. Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, Port St. Joe, Tampa, Panama City, Pensacola, and other navigable waters of the state. In the event that the balance of the fund is reduced to \$30 million or less, the interest normally accruing to the priority acquisition and improvement program for spoil disposal sites shall be discontinued until the balance of the fund exceeds \$30 million. The provisions of this subparagraph shall not apply if the Federal Government preempts the authority to levy, collect, and use an excise tax pursuant to this section or if the Governor and Cabinet declare an emergency related to a major pollutant hazard.

2. *Effective July 1, 1986, funds provided in subparagraph 1. for spoil site acquisition and improvement shall be transferred to the Port Trust Fund established pursuant to s. 376.22, Florida Statutes.*

3.2. The Department of Natural Resources shall establish a priority acquisition and improvement program for spoil disposal sites, which sites are to be acquired using moneys from the fund, after considering all recommendations received. Such priority acquisition and improvement program shall take into consideration, but not limit consideration to, the existing need of each port for spoil disposal sites, the frequency and volume of maintenance dredging at each port, the movement of petroleum and other pollutant hazards at each port, the protection of recreational and environmental quality, and whether the proposed site meets the permit requirements of chapters 403 and 253.

4.3. The recipient port authority or appropriate governmental entity shall contribute not less than 50 percent of the cost of the acquisition of a spoil disposal site. Such contribution may include land owned or improvements to the spoil disposal site. The department shall establish procedures for the payment of funds and matching contributions consistent with the provisions herein.

5.4.a. Any moneys received from the sale of dredged materials deposited on a spoil disposal site acquired or improved hereunder, or from the sale of an acquired spoil disposal site, shall be paid to the fund until the fund has been reimbursed for its participation in the purchase or improvement of that site. Any remaining funds shall be paid to the contributing governmental entity until that entity has been reimbursed for its contribution. Any funds remaining thereafter shall be paid to the fund.

b. Any revenue received, except from the sale of spoil or for revenues pledged as a bonding obligation incurred prior to state participation in the project, after the acquisition or improvement of a disposal site shall be paid to the Florida Coastal Protection Trust Fund until said fund has been reimbursed, with interest, at the statutory legal interest rate, for its participation in the purchase or improvement of said site. Any remaining revenue shall be paid to the applicant. Any revenue received from the sale of spoil shall be repaid in accordance with subparagraph 5.4.a.

(5) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(f)—*A one-time expenditure of \$11 million to the Water Quality Assurance Trust Fund created in s. 376.307.*

(g)—*An annual expenditure of up to 50 percent of the interest earned from investments of the Florida Coastal Protection Trust Fund when the balance is greater than \$30 million, to the Water Quality Assurance Trust Fund created pursuant to s. 376.307; however, this expenditure shall be*



~~reduced by any administrative expenses, personnel expenses, and equipment costs of the department related to the enforcement of ss. 376.011-376.21.~~

Section 4. Section 376.22, Florida Statutes, is created to read:

376.22 Port Trust Fund.—

(1) There is hereby established the Port Trust Fund to be administered by the Department of Natural Resources and used for requirements imposed by the department as a condition of a permit or other form of approval, environmental mitigation required as a condition of a state, federal, or local environmental permit and for the acquisition of spoil disposal sites and improvements to existing and future spoil sites, for the ports of Jacksonville, Port Canaveral, Ft. Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, Tampa, St. Petersburg Bayboro Harbor, Port St. Joe, Panama City, Pensacola, and other governmental entities which have deep-water commercial navigation as their primary purpose. On October 1, 1986, the balance of the moneys which accrued to the Florida Coastal Protection Trust Fund for these purposes after June 30, 1980, shall be transferred to this fund.

(2) Moneys in the Port Trust Fund that are not needed currently to meet the obligations of this fund shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund.

(3)(a) The Department of Natural Resources shall establish a priority list of projects to be undertaken using moneys from the fund, after considering all recommendations received. In this program, the department shall, where applicable, take into consideration, but shall not limit its consideration to, the existing need of each port for spoil disposal sites, the frequency and volume of maintenance dredging at each port, the movement of petroleum and other pollutant hazards at each port, the protection of recreational and environmental quality, whether the proposed project meets the permit requirements of chapters 253 and 403, and whether the proposed project is required as a condition of a permit or other approval issued by the department, Department of Environmental Regulation, Federal Environmental Protection Agency, the U.S. Army Corps of Engineers, water management district, or local government.

(b) The recipient port authority or appropriate governmental entity shall contribute not less than 50 percent of the cost of a project. Such contribution may include land owned or related improvements made by a port. The department shall establish procedures for the payment of funds and matching contributions consistent with the provisions of this paragraph.

(4)(a) Any moneys received by a recipient port authority or appropriate governmental entity from the sale of dredged materials deposited on a spoil disposal site acquired or improved under this section, or from the sale of a spoil disposal site acquired under this section, shall be paid to the fund until the fund has been reimbursed for its participation in the acquisition or improvement of that site. After such reimbursement, any such moneys shall be paid to the contributing governmental entity until that entity has been reimbursed for its contribution, and thereafter all such moneys shall be paid to the fund.

(b) Any revenue received by a recipient port authority or appropriate governmental entity after the acquisition or improvement of a disposal site, except from the sale of spoil or for revenues pledged as a bonding obligation incurred prior to state participation in the project, shall be paid to the fund until the fund has been reimbursed, with interest, at the legal interest rate, for its participation in the acquisition or improvement of that site. Any revenue received from the sale of spoil shall be repaid in accordance with paragraph (a).

Section 5. Section 376.30, Florida Statutes, is amended to read:

376.30 Legislative intent with respect to pollution of surface and ground waters.—

(1) The Legislature finds and declares:

(a) That certain lands and waters of Florida constitute unique and delicately balanced resources;

(b) That the protection of these resources is vital to the economy of this state;

(c) That the preservation of surface and ground waters is a matter of the highest urgency and priority, as these waters provide the primary source for potable water in this state; and

(d) That such use can only be served effectively by maintaining the quality of inland waters in as close to a pristine condition as possible, taking into account multiple-use accommodations necessary to provide the broadest possible promotion of public and private interests.

(2) The Legislature further finds and declares that:

(a) The storage, transportation, and disposal of pollutants within the jurisdiction of the state and state inland waters is a hazardous undertaking;

(b) Spills, discharges, and escapes of pollutants that occur as a result of procedures taken by private and governmental entities involving the storage, transportation, and disposal of such products pose threats of great danger and damage to the environment of the state, to citizens of the state, and to other interests deriving livelihood from the state;

(c) Such hazards have occurred in the past, are occurring now, and present future threats of potentially catastrophic proportions, all of which are expressly declared to be inimical to the paramount interests of the state as set forth in this section; and

(d) Such state interests outweigh any economic burdens imposed by the Legislature upon those engaged in storing, transporting, or disposing of pollutants and related activities.

(3) The Legislature intends by the enactment of ss. 376.30-376.319 to exercise the police power of the state by conferring upon the Department of Environmental Regulation the power to:

(a) Deal with the environmental and health hazards and threats of danger and damage posed by such storage, transportation, disposal, and related activities;

(b) Require the prompt containment and removal of products occasioned thereby; and

(c) Establish a fund which will enable the department to:

1. Provide for expeditious restoration or replacement of potable water systems or private wells of affected residences where health hazards exist due to contamination from pollutants (which may include provision of bottled water on a temporary basis, after which a more stable and convenient source of potable water shall be provided), subject to the following conditions:

a. For purposes of this subparagraph, the term "restoration" means restoration of a contaminated water supply to a level which in the department's determination is a safe, potable level through the installation of a filtration system and provision of replacement filters as necessary, or through employment of repairs or another treatment method or methods designed to remove or filter out contamination from the water supply; and the term "replacement" means replacement of a well or well field or connection to an alternative source of safe, potable water.

b. For the purposes of the State Underground Petroleum Environmental Response Account, such restoration or replacement shall take precedence over other uses of the unobligated moneys within the account.

c. Funding for activities described in this paragraph shall not exceed \$10 million for any one county for any one year, other than for the provision of bottled water.

d. Funding for activities described in this subparagraph shall not be available to fund any increase in the capacity of a potable water system or private well over the capacity which existed prior to such restoration or replacement. Any such increase in capacity shall be funded at the expense of the owner or other entity having jurisdiction over the affected potable water system or private well.

2. Provide for the inspection and supervision of such activities described in this subsection; and

3. Guarantee the prompt payment of reasonable costs resulting therefrom, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other services to the department in the investigation of drinking water contamination complaints.

(4) The Legislature further finds and declares that the preservation of the quality of surface and ground waters is of prime public interest and concern to the state in promoting its general welfare, preventing disease, promoting health, and providing for the public safety and that the interest of the state in such preservation outweighs any burdens of liability imposed by the Legislature upon those persons engaged in storing pollutants and related activities.

(5) The Legislature further declares that it is the intent of ss. 376.30-376.319 376.30-376.315 to support and complement applicable provisions of the Federal Water Pollution Control Act, as amended, specifically those provisions relating to the national contingency plan for removal of pollutants.

Section 6. Section 376.301, Florida Statutes, is amended to read:

376.301 Definitions of terms used in ss. 376.30-376.319 376.30-376.317.—When used in ss. 376.30-376.319 376.30-376.317, unless the context clearly requires otherwise, the term:

- (1) "Barrel" means 42 U.S. gallons at 60° Fahrenheit.
- (2) "Department" means the Department of Environmental Regulation.
- (3) "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, *misapplying*, emitting, emptying, or dumping of any pollutant which occurs and which affects lands and the surface and ground waters of the state not regulated by ss. 376.011-376.21.
- (4) "Facility" means a nonresidential location containing any stationary tank or tanks which ~~are not covered by ss. 376.011-376.21 and which~~ contain pollutants and have individual storage capacities greater than 550 gallons. *This definition shall not include facilities covered by ss. 376.011-376.21 or, except for any aboveground crude oil storage tank covered by chapter 377, or containers storing a nonresidential location which contains or stores solid or gaseous pollutants in containers having individual storage capacities greater than 550 gallons.*
- (5) "Fund" means the Water Quality Assurance Trust Fund.
- (6) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.
- (7) "Owner" means any person owning a facility.
- (8) "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.
- (9) "Person in charge" means the person on the scene who is in direct, responsible charge of a facility from which pollutants are discharged, when the discharge occurs.
- (10) "Petroleum" means:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).

(11) "Petroleum product" means any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils, bunker C residual oil, and intermediate fuel oils (IFO) used for marine bunkering with a viscosity of 30 and higher.

(12) "Petroleum storage system" means a stationary tank not covered by ss. 376.011-376.21, together with any onsite integral piping or dispensing system associated therewith, which is used, or intended to be used, for the storage or supply of petroleum or petroleum products and with respect to which registration is required under chapter 17-61 of the Florida Administrative Code or notification is submitted under this chapter or under Subtitle I of the Resource Conservation and Recovery Act.

(13)(10) "Pollutants" includes any "product" as defined in s. 377.19(11), pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(14)(11) "Pollution" means the presence on the land or in the waters of the state of pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(15) "Response action" means any activity, including evaluation, planning, design, engineering, construction, and ancillary services, which is carried out in response to any discharge, release, or threatened release of a hazardous substance, pollutant, or other contaminant from a facility or site identified by the department under the provisions of ss. 376.30-376.319.

(16) "Response action contractor" means a person who is carrying out any response action, including a person retained or hired by such person to provide services relating to a response action.

(17)(12) "Secretary" means the Secretary of the Department of Environmental Regulation.

Section 7. Section 376.303, Florida Statutes, is amended to read:

376.303 Powers and duties of the Department of Environmental Regulation.—

(1) The department has the power and the duty to:

(a)1. Establish rules, including, but not limited to, construction standards, permitting or registration of tanks, maintenance and installation standards, and removal or disposal standards, to implement the intent of ss. 376.30-376.319 376.30-376.317 and to regulate underground and aboveground facilities and their onsite integral piping systems not covered by ss. 376.011-376.21 or, ~~except for aboveground crude oil storage tanks covered by chapter 377.~~ The department shall develop a compliance verification program for chapter 17-61, Florida Administrative Code, which shall be implemented upon termination of the Early Detection Incentive Program established under s. 376.3071(7), or October 1, 1987, whichever is earlier.

2. Undertake a notification program for those underground tanks which are excluded from the definition of "facility" as set forth in s. 376.301(4) solely by virtue of having a storage capacity of 550 gallons or less, in order that such tanks may be located. Pursuant thereto, the department shall develop postcard notification forms, which shall elicit the following information: The tank owner's name and current address; whether such person owns a storage tank or tanks which are totally or partially underground and which are being used, are intended to be used, or have been used for the storage or supply of any petroleum product; number of such tanks owned; number in active use; and general location of each such tank. Multiple copies of these forms shall be mailed to every distributor and marketer of petroleum products in this state, who shall make such form available to his customers whenever such person has reason to believe the customer owns such a tank or tanks. Any person who completes and returns such form before October 1, 1987, may be eligible to participate in the Early Detection Incentive Program under s. 376.3071(7).

(b) For each tank registered with the department under chapter 17-61, Florida Administrative Code, issue either a registration sticker to be displayed in plain view upon the tank or upon the dispensing or measuring device connected thereto or, where appropriate, a registration certificate listing all registered tanks at a facility, to be displayed in plain view in the office or kiosk of the facility where the tanks are located, for which an initial registration fee in the amount of \$50 per tank and an annual renewal fee in the amount of \$25 per tank shall be imposed upon the tank owner, to be due and payable by July 1 of each year. The department shall notify each registrant of the annual renewal fee requirement no later than June 1 of each year. Any payment over 30 days past due shall be deemed a late payment and shall accrue interest from the due date upon the amount due at the rate of 15 percent per annum. Revenues derived from fees imposed upon tanks storing petroleum products as defined in s. 376.301(11) shall be deposited in the State Underground Petroleum Environmental Response Account established under s. 376.3071; all other revenues derived from such fees shall be deposited in the Water Quality Account established under s. 376.307.

(c)(b) Provide for the development and implementation of criteria and plans to prevent and meet occurrences of pollution of various kinds and degrees.

(d)(e) Establish a requirement that any facility covered by this act be subject to complete and thorough inspections at reasonable times. Any facility which has discharged a pollutant in violation of the provisions of ss. 376.30-376.319 376.30-376.317 shall be fully and carefully monitored by the department to ensure that such discharge does not continue to occur.

(e)(d) Keep an accurate record of the costs and expenses incurred for the removal of prohibited discharges and, *except as otherwise provided by law*, thereafter diligently to pursue the recovery of any sums so incurred from the person responsible or from the United States Government under any applicable federal act, *unless the department finds the amount involved too small or the likelihood of recovery too uncertain*.

(f)(e) Bring an action on behalf of the state to enforce the liabilities imposed by ss. 376.30-376.319 376.30-376.317. The provisions of ss. 403.121, 403.131, 403.141, and 403.161 apply to enforcement under ss. 376.30-376.319 376.30-376.317.

(2) The powers and duties of the department under ss. 376.30-376.319 376.30-376.317 shall extend to the land mass of the state not described in ss. 376.011-376.21.

Section 8. Subsections (1) and (5) of section 376.305, Florida Statutes, are amended to read:

#### 376.305 Removal of prohibited discharges.—

(1) Any person discharging a pollutant as prohibited by ss. 376.30-376.319 376.30-376.315 shall immediately undertake to contain, remove, and abate the discharge to the satisfaction of the department. *However, such an undertaking to contain, remove, and/or abate a discharge shall not be deemed an admission of responsibility for the discharge by the person taking such action.* Notwithstanding this requirement, the department may undertake the removal of the discharge and may contract and retain agents who shall operate under the direction of the department.

(5) Nothing in ss. 376.30-376.319 376.30-376.315 shall affect the right of any person to render assistance in containing or removing any pollutant or any rights which that person may have against any third party whose acts or omissions in any way have caused or contributed to the discharge of the pollutant.

Section 9. Subsections (1), (2), (3), (4), (6), (7), and (8) of section 376.307, Florida Statutes, are amended to read:

#### 376.307 Water Quality Assurance Trust Fund.—

(1) There is created in the State Treasury the Water Quality Assurance Trust Fund, to be administered by the Department of Environmental Regulation, *which shall be wholly divided into two segregated accounts as provided in this section and s. 376.3071.*

(2) The fund may be used to carry out the provisions of this act and for the *restoration or replacement of water supplies as provided in s. 376.30(3)(c)1. and for the investigation, assessment, cleanup, and restoration, maintenance, and monitoring of any site contaminated with:*

(a) Hazardous wastes;

(b) "Hazardous substances" as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767;

(c) A pollutant;

(d) A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings, or acutely toxic to indigenous species of significance to the biological community affected by the hazardous waste or substance; or

(e) A substance which poses a serious danger to the public health, safety, or welfare.

(3) *There is hereby established within the trust fund the "Water Quality Account," which account shall be funded as follows:*

~~(a) A one-time transfer of \$11 million from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(5)(f). This transfer shall not be subject to the General Revenue Fund deduction authorized in ss. 215.20 and 215.22.~~

~~(b) An annual transfer of interest funds from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(5)(g).~~

(a)(e) A monthly transfer of 50 percent of the interest from the State Water Pollution Control Trust Fund.

(b) All excise taxes levied, collected, and credited to the Water Quality Account in accordance with the provisions of s. 206.9945(1)(b).

(c) All penalties, judgments, recoveries, reimbursements, and other fees and charges credited to the Water Quality Account in accordance with the provisions of subsection (4).

(4)(a) The Water Quality Account ~~trust fund~~ shall be used by the department as a nonlapsing revolving account *within the fund* for carrying out the purposes of ss. 376.30-376.319, *other than those purposes for which funds in the SUPER Account may be used as provided in ss. 376.3071 and 376.3073 this act.* To this account ~~fund~~ shall be credited all excise tax revenues authorized pursuant to s. 206.9945(1)(b) and all ~~excise taxes~~, penalties, judgments, and other fees and charges related to the implementation of ss. 376.30-376.319, *other than those penalties, judgments, and other fees and charges related to the implementation of ss. 376.3071 and 376.3073 376.30-376.315.* Charges against the Water Quality Account ~~fund~~ shall be in accordance with this section.

(b) The department shall disburse moneys in the Water Quality Account for activities as authorized under the subsection (2) according to the following priority order:

1. Emergency actions necessary to protect the public health, safety, and welfare.

2. Previous obligations.

3. Restoration or replacement of private contaminated wells or water systems.

4. Response actions carried out pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

5. Other response actions carried out or authorized by the department.

6. Other authorized activities, except that, upon a determination by the secretary that sufficient unobligated funds are not available in the account to adequately fund any activity or activities under this subparagraph, she may elect to disburse available moneys to partially fund such activity or activities, or to withhold funding for such activity or activities.

(5)(6) *Except as otherwise provided by law*, the department shall recover to the use of the fund from a person or persons at any time causing or having caused the discharge or from the Federal Government, jointly and severally, all sums owed or expended from the fund, pursuant to s. 376.308(4), except that *the department may decline to pursue such recovery if it finds the amount involved too small or the likelihood of recovery too uncertain.* Sums recovered as a result of damage due to a discharge of a pollutant or other similar disaster shall be apportioned between the fund and the General Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Any request for reimbursement to the fund for such costs, if not paid within 30 days of demand, shall be turned over to the department for collection.

(6)(7) Moneys in the fund which are not needed currently to meet the obligations of the department in the exercise of its responsibilities under ss. 376.30-376.319 376.30-376.315 shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. The interest received on such investment shall be credited to the fund, *for deposit in either or both accounts, in the discretion of the department.*

(7)(8) *Except as otherwise provided by law*, it is the duty of the department in administering the fund diligently to pursue the reimbursement to the fund of any sum expended from the fund for cleanup and abatement in accordance with the provisions of this section, *unless the department finds the amount involved too small or the likelihood of*

recovery too uncertain. For the purposes of s. 95.11, the limitation period within which to institute an action to recover such sums shall commence on the last date on which any such sums were expended, and not the date that the discharge occurred.

Section 10. Section 376.3071, Florida Statutes, is created to read:

376.3071 *State Underground Petroleum Environmental Response Account.*—

(1) *FINDINGS.*—In addition to the legislative findings set forth in s. 376.30, the Legislature finds and declares:

(a) That significant quantities of petroleum and petroleum products are being stored in underground storage systems in this state, which storage is a hazardous undertaking;

(b) That spills, leaks, and other discharges from petroleum storage systems have occurred, are occurring, and will continue to occur, and such discharges pose a significant threat to the quality of the groundwaters and inland surface waters of this state;

(c) That, where contamination of the ground or surface water has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made;

(d) That such delays result in the continuation and intensification of the threat to the public health, safety, and welfare, in greater damage to the environment, and in significantly higher costs to contain and remove the contamination; and

(e) That adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected residences and to provide a means for investigation and cleanup of contamination sites without delay.

(2) *INTENT AND PURPOSE.*—It is the intent of the Legislature to establish within the Water Quality Assurance Trust Fund a separate account to serve as a repository for funds which will enable the department to respond without delay to incidents of inland contamination related to the storage of petroleum and petroleum products in order to protect the public health, safety, and welfare and minimize environmental damage.

(3) *CREATION.*—There is hereby created within the Water Quality Assurance Trust Fund the "State Underground Petroleum Environmental Response Account," hereinafter referred to as the "SUPER Account," to be administered by the department. This account shall be used by the department as a nonlapsing revolving account within the fund for carrying out the purposes of this section and s. 376.3073. To this account shall be credited all penalties, judgments, recoveries, reimbursements, and other fees and charges related to the implementation of ss. 376.3071 and 376.3073 and the excise tax revenues authorized pursuant to s. 206.9945(1)(c). Charges against the SUPER Account shall be made in accordance with the provisions of this section.

(4) *USES.*—Whenever, in its determination, incidents of inland contamination related to the storage of petroleum or petroleum products in a tank or tanks not covered by ss. 376.011-376.21 may pose a threat to the environment or the public health, safety, or welfare, the department shall obligate funds available in the SUPER Account to provide for:

(a) Prompt investigation of contamination sites;

(b) Expeditious restoration or replacement of potable water systems or private wells of affected residences where health hazards exist due to contamination from petroleum or petroleum products, which may include provision of bottled water on a temporary basis, after which a more stable and convenient alternative source of potable water shall be provided;

(c) Rehabilitation of contamination sites, which shall consist of cleanup of affected soil, groundwater, and inland surface waters, using the most cost-effective alternative that is technologically feasible and reliable and that provides adequate protection of the public health, safety, and welfare and minimizes environmental damage, in accordance with the site selection and cleanup criteria established by the department under subsection (5), except that nothing herein shall be construed to authorize the department to obligate SUPER Account funds for payment of costs which may be associated with, but are not integral to, site rehabilitation, such as the cost for retrofitting or replacing petroleum storage systems;

(d) Inspection and supervision of activities described in this subsection;

(e) Payment of expenses incurred by the department in its efforts to obtain from responsible parties the payment or recovery of reasonable costs resulting from the activities described in this subsection; and

(f) Payment of any other reasonable costs of administration, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other assistance to the department in the investigation of drinking water contamination complaints.

(5) *SITE SELECTION AND CLEANUP CRITERIA.*—

(a) The department shall establish criteria by rule for the purpose of prioritizing contamination sites based upon factors that include, but need not be limited to:

1. The degree to which human health, safety, or welfare may be affected by exposure to the contamination;

2. The size of the population or area affected by the contamination;

3. The present and future uses of the affected aquifer or surface waters, with particular consideration as to the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water; and

4. The effect of the contamination on the environment.

Funds in the SUPER Account shall then be obligated for activities described in paragraphs (4)(a)-(d) at individual sites in accordance with such established criteria. However, nothing in this paragraph shall be construed to restrict the department from modifying the priority status of a rehabilitation site where conditions warrant.

(b) The secretary shall establish criteria by rule for the purpose of determining, on a case-by-case basis, the level at which a site rehabilitation program may be deemed completed, whether such rehabilitation program is performed by the department or by a person through his own personnel or through responsible response action contractors or subcontractors. Such criteria shall be based upon the factors set forth in paragraph (a) and the following additional factors:

1. Individual site characteristics, including natural rehabilitation processes.

2. Applicable state water quality standards.

3. Whether deviation from state water quality standards or from established criteria is appropriate, based upon the degree to which the desired cleanup level is achievable and can be reasonably and cost-effectively implemented within available technologies or control strategies, except that, where a state water quality standard is applicable, such deviation may not result in the application of standards more stringent than said standard.

However, nothing in this paragraph shall be construed to restrict the department from temporarily postponing completion of any site rehabilitation program for which account funds are being expended whenever such postponement is deemed necessary in order to make funds available for rehabilitation of a contamination site with a higher priority status.

(6) *FUNDING.*—The SUPER Account shall be funded as follows:

(a) A monthly transfer of 50 percent of the interest from the State Water Pollution Control Trust Fund.

(b) All excise taxes levied, collected, and credited to the SUPER Account in accordance with the provisions of s. 206.9945(1)(c).

(c) All penalties, judgments, recoveries, reimbursements, and other fees and charges credited to the SUPER Account in accordance with the provisions of subsection (3).

(7) *EARLY DETECTION INCENTIVE PROGRAM.*—To encourage early detection, reporting, and cleanup of contamination from leaking petroleum storage systems, the department shall, within the guidelines established in this subsection, conduct an incentive program which shall provide for a 15-month general grace period beginning on July 1, 1986, and ending on October 1, 1987. Pursuant thereto, the department

shall establish reasonable requirements for the written reporting of petroleum contamination incidents and shall distribute forms to registrants under s. 376.303(1)(b), and to other interested parties upon request, to be used for such purpose. Until such forms are available for distribution, the department shall take reports of such incidents, however made, but shall notify any person making such a report that a complete written report of the incident will be required by the department at a later time, the form for which will be provided by the department. When forms become available for distribution, all sites involving incidents of contamination from petroleum storage systems reported to the department at any time from midnight on June 30, 1986, to midnight on September 30, 1987, shall be qualified sites, provided that such a complete written report is filed with respect thereto. Subject to the delays which may occur as a result of the prioritization of sites under paragraph (5)(a), for any qualified site, costs for activities described in paragraphs (4)(a)-(d) shall be absorbed at the expense of the SUPER Account, without recourse to reimbursement or recovery, with the following exceptions:

(a) The provisions of this subsection shall not apply to any site where the department has initiated an administrative or civil enforcement action prior to the beginning of the grace period, unless the responsible party has undertaken appropriate remedial action in compliance with s. 376.305(1).

(b) The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this act.

(c) The provisions of this subsection shall not be construed to authorize or require reimbursement from the SUPER Account for costs expended prior to the beginning of the grace period, except as provided in subsection (11).

(d) Upon discovery by the department that the owner or operator of a facility has been grossly negligent in the maintenance of a petroleum storage system, has, with willful intent to conceal the existence of a serious leak, falsified inventory or reconciliation records maintained in compliance with chapter 17-61 of the Florida Administrative Code, or has intentionally damaged a petroleum storage system, the owner of such facility shall be ineligible for participation in the incentive program and shall be liable for all costs due to leaks or spills from petroleum storage systems at any facility owned or operated by that person, any other provisions of this act to the contrary notwithstanding. For purposes of this paragraph, willful failure to maintain inventory and reconciliation records, willful failure to make monthly monitoring system checks where such systems are in place, and failure to meet monitoring and retrofitting requirements within the schedules established under chapter 17-61, Florida Administrative Code, shall be construed to be gross negligence in the maintenance of a petroleum storage system.

If, in order to avoid prolonged delay, the department in its discretion deems it necessary to expend sums from the SUPER Account to cover ineligible sites or costs as set forth in paragraphs (a)-(d), the department may do so and seek recovery and reimbursement therefor in accordance with the same procedures as are established for recovery and reimbursement of sums otherwise owed to or expended from the fund.

(8) **PENALTY.**—It is unlawful for any person to:

(a) Falsify inventory or reconciliation records maintained in compliance with chapter 17-61, Florida Administrative Code, with willful intent to conceal the existence of a serious leak; or

(b) Intentionally damage a petroleum storage system.

Any person convicted of such a violation shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) **VOLUNTARY CLEANUP.**—Nothing in this act shall be deemed to prohibit a person from conducting site rehabilitation either through his own personnel or through responsible response action contractors or subcontractors.

(10) **REIMBURSEMENT FOR CLEANUP EXPENSES.**—

(a) **Entitlement; conditions.**—The Legislature finds and declares that, in order to provide for rehabilitation of as many contamination sites as possible, as soon as possible, voluntary rehabilitation of contamination sites should be encouraged, provided that such rehabilitation is

conducted in a manner and to a level of completion which will protect the public health, safety, and welfare and will minimize damage to the environment. To accomplish this purpose, any person conducting site rehabilitation under this subsection, either through his own personnel or through responsible response action contractors or subcontractors, shall be entitled to reimbursement from the fund at reasonable rates for allowable costs incurred in connection with such site rehabilitation initiated prior to or during the incentive period established under subsection (7) for sites reported on or after January 1, 1985, subject to the following conditions:

1. Nothing in this subsection shall be construed to authorize reimbursement of any person or for any site excluded from participation in the Early Detection Incentive Program under paragraphs (7)(a)-(d).

2. Reimbursement under this subsection shall not be considered a state contract and shall not be subject to the provisions of chapter 287.

3. Site rehabilitation shall be completed in accordance with cleanup criteria established by the department pursuant to paragraph (5)(b).

4. Procedural requirements of this subsection shall have been met.

(b) **Procedure to initiate and conduct site rehabilitation.**—

1. Within 30 days of initiating site rehabilitation, written notice of initiation shall be submitted to the department, together with sufficient documentation of site conditions prior to initiation of cleanup.

2. The person responsible for conducting site rehabilitation, or his agent, shall keep and preserve suitable records of hydrological and other site assessments, site plans, contract negotiations, accounts, invoices or sales tickets from purchases, leases, or other transactions related to cleanup, and such records shall be made accessible to, and subject to examination by, agents and employees of the department during regular business hours, and at other times upon written request of the department. In addition, the department may from time to time request submission of such site-specific information as it may require, and sufficient written response shall be provided within 30 days of receipt of any such request.

(c) **Determination as to eligibility for participation.**—Within 60 days of receipt of notice of intent to initiate site rehabilitation, the department shall make a determination as to whether the person responsible for site rehabilitation is eligible or ineligible for participation in the Early Detection Incentive Program as provided in paragraphs (7)(a)-(d). A determination of ineligibility shall be provided to such person in writing, accompanied by a written explanation setting forth in detail the reason or reasons for such determination.

(d) **Notice of intent to cease site rehabilitation required; application for certificate of completion and application for reimbursement.**—

1. Upon determining that cleanup is complete, the person responsible for conducting site rehabilitation shall submit to the department written notice of his intent to cease site rehabilitation. No sooner than 30 days following submission of such notice, site rehabilitation may be discontinued unless the secretary sets forth in a written declaration particular facts and circumstances indicating that discontinuance of the cleanup process at the site in question could have an adverse impact upon the public health, safety, or welfare. Except as authorized under this paragraph, or as may otherwise be specifically authorized in writing by the department, discontinuance of site rehabilitation after filing notice of initiation under subparagraph (b)1. shall constitute a waiver of entitlement to reimbursement under this subsection.

2. No later than 30 days after submission of notice under subparagraph 1., the person responsible for conducting site rehabilitation shall submit to the department, on forms provided thereby, an application for a certificate of completion and an application for reimbursement, together with evidence documenting that site rehabilitation was completed in accordance with cleanup criteria established by the department pursuant to paragraph (5)(b) and such records and other relevant information as the department may require. The two applications shall be reviewed jointly, unless the applicant files with the department a written petition for a separate determination as to completeness, in which case, an application for a certificate of completeness may be submitted as provided herein and the associated application for reimbursement may be later submitted for separate consideration at a later date.

(e) **Procedure for initial review.**—

1. Within 30 days following receipt of an application under paragraph (d), the department shall review all evidence submitted in connection therewith, and shall request submission of all additional information that the department may require. If the applicant believes that such request for additional information is not reasonable, the department, at the applicant's written request, shall proceed to make a determination on the application as provided in paragraph (f).

2. Within 30 days following receipt of additional information under subparagraph 1., the department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. If the applicant believes the request for additional clarifying information is not reasonable, the department, at the applicant's written request, shall proceed to make its determination on the application as provided in paragraph (f).

(f) *Procedure for final review.*—The department shall make such investigations and inquiries as are necessary to enable the department to approve or deny the application and shall make a determination thereon within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the application, unless the total review period is otherwise extended by written mutual agreement of the applicant and the department. Approval of an application for reimbursement shall be contingent upon issuance of a certificate of completion.

(g) *Final disposition.*—Final disposition of an application shall be provided to the applicant in writing, accompanied by a written explanation setting forth in detail the reason or reasons for the approval or denial. If the department fails to make a determination on an application as provided in paragraph (f), or denies an application, such person may request a hearing pursuant to s. 120.57.

(h) *Right to expedited hearing; retention of hearing officer.*—

1. If any person has been required to continue site rehabilitation throughout the review process as provided in subparagraph (d)1., he may file a formal written protest together with the petition for a hearing filed pursuant to paragraph (g). Upon receipt of such a protest, the Director of the Division of Administrative Hearings of the Department of Administration shall expedite the hearing process under s. 120.57 and shall assign a hearing officer who shall conduct a hearing within 30 days of receipt of the formal written protest by the division, except that the provisions of this paragraph may be waived by the hearing officer for good cause shown or upon stipulation by all parties.

2. Upon the request of any interested party, the same hearing officer shall be retained throughout all proceedings conducted under the provisions of this subsection which are related to the same contamination incident, and such hearing officer shall retain jurisdiction to resolve all disputes that may arise with respect thereto.

(i) *Schedule of reimbursement.*—Upon approval of an application for reimbursement, reimbursement for reasonable expenditures documented therein shall be due and payable within 90 days following the date on which the site in question would have become eligible for funding under the department's priority system established pursuant to paragraph (5)(a) had no cleanup taken place, based upon sufficient documentation of site conditions prior to initiation of site rehabilitation. However, no reimbursement shall be paid under this subsection until the department's funding obligations for higher priority sites have been met for the year in which reimbursement is due and payable. However, with respect to those sites reported from January 1, 1985, through June 30, 1986, no reimbursement shall be paid under this subsection until the department's funding obligations for sites reported during the incentive period have been met, unless the person seeking reimbursement has, prior to July 1, 1986, undertaken one or more of the following remedial actions to the satisfaction of the department:

1. Product recovery;
2. Groundwater restoration; or
3. Soil removal.

When such action or actions have been taken, upon approval of an application for reimbursement, reimbursement shall be due and payable under the department's priority system as provided in this paragraph.

(j) *Liberal construction.*—With respect to site rehabilitation initiated prior to July 1, 1986, the provisions of this subsection shall be given such liberal construction by the department as will accomplish the purposes set forth in this subsection. With regard to the keeping of particular records or the giving of certain notice, the department may accept as compliance action by a person which meets the intent of the requirements set forth in this subsection.

#### (11) FINANCIAL AND TECHNICAL ADVISORY COMMITTEE.—

(a) *Creation; duties.*—There is created the Financial and Technical Advisory Committee, hereinafter referred to as "the committee," to review, at its discretion or upon request of the secretary, site rehabilitation projects or water restoration or replacement projects which the department, a local government, or any other person undertakes pursuant to the provisions of this section for the purpose of providing the department with constructive comments relating to technical and accounting procedures which may be employed and for the purpose of keeping the department abreast of the latest available technologies and potential improvements in management and cost control practices. In addition, the committee shall advise the department, any local government undertaking a project under contract with the department pursuant to s. 376.3073, or any other person undertaking site rehabilitation under subsection (10) with respect to any site rehabilitation project or water restoration or replacement project which the department, local government, or other person, as appropriate, reasonably anticipates will involve expenditures or actions which may obligate the SUPER Account in excess of \$500,000 for that one project, exclusive of related investigation and assessment costs.

(b) *Membership.*—The committee shall be composed of nine persons to be appointed by the Governor, as follows:

1. One hydrologist;
2. One hydrogeologist;
3. One toxicologist;
4. One community water supply expert;
5. One response action contractor;
6. One certified public accountant;
7. One person representing petroleum refiners;
8. One person representing petroleum marketers; and
9. One person representing the public's environmental interests.

No person who is a public official or public employee, other than a member of the teaching or research faculty or other person holding an administrative or professional position within the State University System, shall be eligible for appointment under this paragraph.

(c) *Organization and terms; expenses; meetings.*—

1. All members of the committee shall serve for 2-year terms, except that, in order to achieve staggered terms, two of the members appointed under subparagraphs (b)1.-5. and two of the members appointed under subparagraphs (b)6.-9. shall be initially appointed for 1-year terms.

2. Vacancies shall be filled for the remainder of the unexpired term by appointment in the same manner as provided for original appointments.

3. The Governor shall designate one member of the committee to serve as chairman.

4. Members of the committee shall serve without compensation, but shall be entitled to travel and per diem expenses pursuant to s. 112.061.

5. The committee shall meet on a regular basis, at the call of the chairman.

(d) *Departmental support.*—The department shall supply such information, assistance, and facilities as are deemed necessary for the committee to carry out its duties under this subsection, and shall provide two staff members for the performance of required clerical and administrative functions of the committee. Departmental costs to comply with the provisions of this paragraph shall be considered administrative costs to be paid by the SUPER Account, except that no more than \$75,000 per year may be charged to the account to cover these costs.



## (e) Review of certain projects required.—

1. Whenever the department, a local government acting pursuant to a contract with the department under s. 376.3073, or other person undertaking a site rehabilitation under subsection (10), after conducting an investigation and assessment, has a reasonable expectation that a site rehabilitation project or water restoration or replacement project undertaken thereby will involve expenditures or actions which may require obligation of funds from the SUPER Account in excess of \$500,000, exclusive of investigation and assessment costs, the department, local government, or other person shall submit to the committee a request for review of the project, together with documentation of past and proposed expenditures and a proposed plan of action relative to such project, other than documentation of expenditures relating to investigation and assessment. Copies of such request, together with all associated documentation, shall be transmitted forthwith to every member of the committee.

2. Within a reasonable time after receipt of a request for review, the committee shall meet at the call of the chairman for the purpose of reviewing the project. Such review shall address, but need not be limited to, the financial and technical feasibility of the proposed plan of action and its anticipated costs, and whether other, more cost-effective alternatives are available which would protect the public health, safety, and welfare and minimize damage to the environment.

3. The committee shall report its findings and recommendations to the secretary, and to the local government in the case of a project undertaken pursuant to a contract with the department under s. 376.3073 or to the other person conducting a site rehabilitation project pursuant to subsection (10), which findings and recommendations shall be constructive in nature and shall be limited to the financial and technical feasibility of the proposed plan and its anticipated costs and whether other, more cost-effective alternatives are available which would protect the public health, safety, and welfare and minimize damage to the environment. Such findings and recommendations shall be advisory only and shall not be binding upon any party.

(f) Subsequent review.—With respect to any project which was previously reported to and reviewed by the committee as provided in paragraph (e), whenever it appears that costs, exclusive of investigation and assessment costs, for such project will exceed 150 percent of the costs originally anticipated and reported to the committee, or that a significant change in the plan of action for such project is called for, the department, local government, or other person, as appropriate, shall report the proposed additional expenditures or proposed change to the committee, and the committee may, in its discretion, review same as provided in subparagraphs (e)2. and 3.

(g) Construction.—Nothing in this subsection shall be construed to restrict the department, a local government acting pursuant to a contract with the department under s. 376.3073, or other person undertaking site rehabilitation pursuant to subsection (10) from making expenditures or taking those actions deemed necessary to protect the public health, safety, or welfare or to minimize damage to the environment. The department or local government may submit to the committee for its review documentation regarding such expenditures or actions after the fact.

## Section 11. Section 376.3073, Florida Statutes, is created to read:

## 376.3073 Local programs.—

(1) The department shall, to the greatest extent possible, contract with local governments to provide for the administration of its departmental responsibilities under s. 376.3071(4)(a)-(d) through locally administered programs. However, no such contract shall be entered into unless the local government is deemed capable of carrying out such responsibilities to the department's satisfaction.

(2) To this end, the department shall inform local governments as to the provisions of this act and as to their options hereunder. At its own option, any local government may apply to the department for such purpose, on forms to be provided by the department, and shall supply such information as the department may require.

(3) Upon approval of its application, an eligible local government shall be entitled, through written contract with the department, to receive sufficient funds to administer the local program. This contract shall provide that reasonable costs, as determined by the department

and the local government, of administration, investigation, rehabilitation, and other related activities, including the restoration or replacement of potable water supplies of affected residences, shall be paid to the eligible local government from the SUPER Account created under s. 376.3071, and shall stipulate the method of payment.

(4) Under no circumstances shall the cleanup criteria employed in locally administered programs be more stringent than the criteria established by the department pursuant to s. 376.3071(5)(b).

(5) Whenever the department makes a clear determination that a local government has breached a contract to the extent that the local program is, in the department's estimation, inadequate to prevent or control inland petroleum contamination in such jurisdiction, or that such program is being carried out in a manner inconsistent with the requirements of the contract, the department shall require that necessary corrective measures be taken by the local government within a reasonable period of time, not to exceed 45 days.

(6) If the local government fails to take such necessary corrective action within the time required, the department may reassume any or all responsibilities undertaken by the local government pursuant to this section.

## Section 12. Section 376.308, Florida Statutes, is amended to read:

376.308 Liabilities and defenses of facilities.—In any suit instituted by the department under ss. 376.30-376.319 ~~376.30-376.315~~, it is not necessary for the department to plead or prove negligence in any form or manner. The department need only plead and prove that the prohibited discharge or other polluting condition has occurred. The only defenses of a person alleged to be responsible for the discharge to any action under ss. 376.30-376.319 ~~376.30-376.315~~ are to plead and prove that the occurrence was solely the result of any of the following or any combination of the following:

- (1) An act of war.
- (2) An act of government, either state, federal, or municipal.
- (3) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.
- (4) An act or omission of a third party, other than an employee or agent of the defendant or other than one whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the defendant, except when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail, if the defendant establishes by a preponderance of the evidence that:

(a) The defendant exercised due care with respect to the pollutant concerned, taking into consideration the characteristics of such pollutant ~~hazardous waste~~, in light of all relevant facts and circumstances; and

(b) The defendant took precautions against foreseeable acts or omissions of any such third party and against the consequences that could foreseeably result from such acts or omissions.

## Section 13. Section 376.309, Florida Statutes, is amended to read:

## 376.309 Facilities, financial responsibility.—

(1) Each owner ~~or operator~~ of a facility is required to establish and maintain evidence of financial responsibility. Such evidence of financial responsibility shall be the only evidence required by the department that such owner ~~or operator~~ has the ability to meet the liabilities which may be incurred under ss. 376.30-376.319 ~~376.30-376.315~~.

(2) Any claim brought pursuant to ss. 376.30-376.319 ~~376.30-376.315~~ may be brought directly against the bond, the insurer, or any other person providing a facility with evidence of financial responsibility.

(3) Each owner ~~or operator~~ of a facility subject to the provisions of ss. 376.30-376.319 ~~376.30-376.315~~ shall designate a person in the state as his legal agent for service of process under ss. 376.30-376.319 ~~376.30-376.315~~, and such designation shall be filed with the Department of State. In the absence of such designation, the Secretary of State shall be the designated agent for purposes of service of process under ss. 376.30-376.319 ~~376.30-376.315~~.

## Section 14. Section 376.313, Florida Statutes, is amended to read:



376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319 ~~376.30-376.315~~.—

(1) The remedies in ss. 376.30-376.319 ~~376.30-376.315~~ shall be deemed to be cumulative and not exclusive.

(2) Nothing in ss. 376.30-376.319 ~~376.30-376.315~~ requires the pursuit of any claim against the fund as a condition precedent to any other remedy.

(3) Notwithstanding any other provision of law, nothing contained in ss. 376.30-376.319 ~~376.30-376.315~~ prohibits any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.319 ~~376.30-376.315~~. In any such suit, it is not necessary for such person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it has occurred. The only defenses to such cause of action shall be those specified in s. 376.308. In addition to any other remedy, the injured party is entitled to recover the costs of the action and reasonable attorneys' fees.

Section 15. Section 376.315, Florida Statutes, is amended to read:

376.315 Construction of ss. 376.30-376.319 ~~376.30-376.315~~.—Sections 376.30-376.319 ~~376.30-376.315~~, being necessary for the general welfare and the public health and safety of the state and its inhabitants, shall be liberally construed to effect the purposes set forth under ss. 376.30-376.319 ~~376.30-376.315~~ and the Federal Water Pollution Control Act, as amended.

Section 16. Subsection (1) of section 376.317, Florida Statutes, is amended to read:

376.317 Superseded laws; state preemption.—

(1) If any provision of ss. 376.30-376.319 ~~376.30-376.317~~ or of the rules developed pursuant to such sections, which provision pertains to a facility maintained for the purpose of the underground storage of petroleum products for use as fuel in vehicles, including, but not limited to, those vehicles used on and off roads, aircraft, watercraft, and rail, is in conflict with any other provision, limitation, or restriction which is now in effect under any law of this state or any ordinance of a local government, political subdivision, or municipality, or any rule or regulation adopted thereunder, the provision of ss. 376.30-376.319 ~~376.30-376.317~~ shall control, except as provided in subsection (3).

Section 17. Section 376.319, Florida Statutes, is created to read:

376.319 Response action contractors; limitation upon liability; indemnification.—

(1) Except as otherwise provided herein, no response action contractor who carries out a response action pursuant to a written contract with the department, pursuant to a written contract with a local government which has contracted with the department under s. 376.3073, or pursuant to an order of the department shall be liable to any person for any injury, cost, expense, or other damage (including claims for indemnification or contribution for death, personal injury, illness, or loss of or damage to property, including economic loss) which results from a discharge, release, or threatened release of a hazardous substance, pollutant, or other contaminant, for which a response action is carried out by such response action contractor and which results from the response action, unless such injury, cost, expense, or other damage is caused by a response action of the response action contractor which is grossly negligent or which constitutes intentional conduct.

(2) Nothing in this section shall affect the liability of any person under warranty under federal, state, or common law.

(3) Any state employee or employee of a political subdivision who provides services relating to a response action while acting within the scope of his authority as a governmental employee shall have the same exemption from liability as is provided to a response action contractor under this section. However, nothing in this section shall affect the liability of any other person.

(4) The department may agree to hold harmless and indemnify any response action contractor for damages arising out of the contractor's performance in carrying out a response action under ss. 376.30-376.319.

(5) Any payments which may become due as a result of an agreement by the department to hold harmless or indemnify shall be payable from the appropriate account in the Water Quality Assurance Trust Fund.

Section 18. Subsection (1) and paragraph (b) of subsection (3) of section 403.091, Florida Statutes, are amended to read:

403.091 Inspections.—

(1) Any duly authorized representative of the department may at any reasonable time enter and inspect, for the purpose of ascertaining the state of compliance with the law or rules and regulations of the department, any property, premises, or place, except a building which is used exclusively for a private residence, on or at which a hazardous waste generator, transporter, or facility or other air or water contaminant source; a discharger, including any nondomestic discharger which introduces any pollutant into a publicly owned treatment works; any facility, as defined in s. 376.301(4); or a resource recovery and management facility is located or is being constructed or installed or where records which are required under this chapter, ss. 376.30-376.319 ~~376.30-376.315~~, or department rule are kept. Any duly authorized representative may at reasonable times have access to and copy any records required under this chapter or ss. 376.30-376.319 ~~376.30-376.315~~; inspect any monitoring equipment or method; sample for any pollutants as defined in s. 376.301(13) ~~376.301(10)~~, effluents, or wastes which the owner or operator of such source may be discharging or which may otherwise be located on or underlying the owner's or operator's property; and obtain any other information necessary to determine compliance with permit conditions or other requirements of this chapter, ss. 376.30-376.319 ~~376.30-376.315~~, or department rules. No person shall refuse reasonable entry or access to any authorized representative of the department who requests entry for purposes of inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. The owner or operator of the premises shall receive a report, if requested, setting forth all facts found which relate to compliance status.

(3)

(b) Upon proper affidavit being made, an inspection warrant may be issued under the provisions of this chapter or ss. 376.30-376.319 ~~376.30-376.315~~:

1. When it appears that the properties to be inspected may be connected with or contain evidence of the violation of any of the provisions of this chapter or ss. 376.30-376.319 ~~376.30-376.315~~ or any rule properly promulgated thereunder; or

2. When the inspection sought is an integral part of a larger scheme of systematic routine inspections which are necessary to, and consistent with, the continuing efforts of the department to ensure compliance with the provisions of this chapter or ss. 376.30-376.319 ~~376.30-376.315~~ and any rules adopted thereunder.

Section 19. Subsection (3) of section 403.1655, Florida Statutes, is amended to read:

403.1655 Environmental short-term emergency response program.—

(3) Based upon the nature of the incident, the appropriate account within the Water Quality Assurance Trust Fund shall be utilized to enable the department to respond during an emergency to incidents which threaten the environment or public health when otherwise responsible parties do not adequately respond.

Section 20. Subsection (2) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(2) The department shall take any action necessary pursuant to s. 403.121 or s. 403.131 to abate or substantially reduce any imminent hazard caused by a hazardous substance, including a spill into the environment of a hazardous substance. The department is authorized to use moneys from the Hazardous Waste Management Trust Fund or the appropriate account within the Water Quality Assurance Trust Fund to finance such actions, and such expenditures from the fund shall be recoverable pursuant to s. 403.725(5) or s. 376.307.

Section 21. Subsection (4) of section 403.7264, Florida Statutes, is amended to read:

403.7264 Amnesty days for purging small quantities of hazardous wastes.—Amnesty days are authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses. These entities have no appropriate economically feasible mechanism for disposing of their hazardous wastes at the present time. In order to raise public awareness on this issue, provide an educational process, accommodate those entities which have a need to dispose of small quantities of hazardous waste, and preserve the waters of the state, amnesty days shall be carried out in the following manner:

(4) Amnesty days shall be funded on a continuing basis, as needed, from the *Water Quality Account within the Water Quality Assurance Trust Fund*. The department is authorized to use up to 5 percent of the funds appropriated for amnesty days for administrative costs and up to 5 percent of such funds for public education related to amnesty days.

Section 22. Subsection (30) is added to section 570.07, Florida Statutes, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(30) *In conjunction with its inspection duties under chapters 487, 525, and 576, to notify the Department of Environmental Regulation as to any tank subject to the registration requirements of chapter 17-61, Florida Administrative Code, for which proof of valid registration is not displayed on the tank itself, on the dispensing or measuring device connected thereto, or, where appropriate, in the office or kiosk of the facility where the tanks are located.*

Section 23. (1) *There is hereby established within the Department of Health and Rehabilitative Services an authorized career service position to assist the department and the county public health units in determining the toxicological and public health significance of incidents of drinking water contamination pursuant to s. 376.319, Florida Statutes, and to assist with the gathering and interpretation of pertinent toxicological information.*

(2) *To fund such position for the first year, there is hereby appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services the sum of \$25,000, which amount shall be repaid to the General Revenue Fund from revenues within the State Underground Petroleum Environmental Response Account in the Water Quality Assurance Trust Fund as such revenues become available for the payment of administrative expenses. After the first year, this sum shall be included within the amount allocated from the fund to the Department of Health and Rehabilitative Services for administrative expenses incurred. The Department of Environmental Regulation may apportion such allocation between the Water Quality Account and the State Underground Petroleum Environmental Response Account, as it deems appropriate.*

Section 24. Part IV of chapter 206, Florida Statutes, consisting of sections 206.9915, 206.9925, 206.9930, 206.9935, 206.9940, 206.9942, and 206.9945, is created; paragraphs (a) and (b) of subsection (4) of section 376.11, Florida Statutes, are renumbered as paragraphs (a) and (b) of subsection (1) of section 206.9935, Florida Statutes, and amended; and paragraphs (a) and (b) of subsection (5) of section 376.307, Florida Statutes, are renumbered as paragraphs (a) and (b) of subsection (2) of section 206.9935, Florida Statutes, and amended, to read:

#### PART IV FUEL AND OTHER POLLUTANTS

##### 206.9915 Legislative intent and general provisions.—

(1) *It is the legislative intent that the excise taxes imposed in this part shall be in addition to all other taxes imposed under this chapter and other provisions of law. The application of any one tax under this part shall not preclude application of any or all of the other taxes provided herein.*

(2) *The provisions of parts I through III of this chapter shall be applicable to the taxes imposed herein only by express reference to this part.*

(3) *The provisions of ss. 206.01, 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, and 206.19, 206.20,*

*206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.86, 206.94, 206.945, and 206.9815 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.*

206.9925 Definitions.—As used in this part:

(1) *"Barrel" means 42 U.S. gallons at 60° Fahrenheit.*

(2) *"Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas after it leaves the reservoir.*

(3) *"Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subsection (2).*

(4) *"Petroleum product" means any refined liquid commodity made wholly or partially from oil or gas, or blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, or blends or mixtures of two or more liquid products or byproducts derived from oil or gas, and includes, but is not limited to, motor gasoline, gasohol, aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, naphtha of less than 400° F for petroleum feed, special naphthas, road oil, still gas, unfinished oils, motor gas blending components, and aviation gas blending components.*

(5) *"Pollutants" includes any "petroleum product" as defined in subsection (4), as well as pesticides, ammonia, chlorine, and derivatives thereof, but excludes liquefied petroleum gas, medicinal oils, lubricants and waxes. For the purpose of the tax imposed under s. 206.9935(1), "pollutants" also includes crude oil.*

(6) *"Storage facility" means a location licensed under s. 206.022 and owned or operated by a licensed refiner, which location contains any stationary tank or tanks for holding petroleum products.*

##### 206.9930 Administrative provisions.—

(1) *Any person producing in, importing into, or causing to be imported into this state taxable pollutants for sale, use or otherwise and who is not registered or licensed pursuant to other parts of this chapter is hereby required to register and become licensed for the purposes of this part. Such persons shall register as either a producer or importer of pollutants and shall be subject to all applicable registration and licensing provisions of this chapter, as if fully set out in this part and made expressly applicable to the taxes imposed herein, including, but not limited to, ss. 206.02, 206.021, 206.022, 206.025, 206.03, 206.04, and 206.05. For the purposes of this section, registrations required exclusively for this part shall be made within 90 days of the effective date of this act for existing businesses, or prior to the first production or importation of pollutants for businesses created after the effective date of this act. The fee for registration shall be \$30. Failure to timely register shall be a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *The taxes imposed in this part are due on the first day of the month succeeding the month of production, importation, or removal from a storage facility and shall be paid on or before the 20th day of each month. Taxes shall be reported on forms and in the manner prescribed by the department by rule.*

(3) *Any person subject to taxation under this part shall separately state the amount of such tax paid on any charge ticket, sales slip, invoice, or other tangible evidence of the sale of tax-paid pollutants. Any person selling tax-paid pollutants, other than retail dealers, shall certify on their charge ticket, sales slip, invoice or other tangible evidence of sale that the tax required pursuant to this part has been paid. The certification shall contain the identifying number assigned to the person who remitted the tax to the state as prescribed by the department by rule.*

(4) *All pollutants imported, produced, or sold in this state are presumed to be subject to the taxes imposed by this part. It shall be presumed that all pollutants imported, produced, received, or possessed by any retail dealer are held for sale, use, or distribution within this state. Unless such retail dealer shall have paid the taxes imposed by this part to the person making the sale to him, or have received a statement in such form as may be prescribed by the department to the effect that the*

taxes imposed by this part have previously been paid to or paid by an identified refiner, importer, wholesaler, or dealer registered under this chapter or to or by an identified person required to pay the taxes, such retail dealer shall pay such taxes directly to the department in accordance with subsection (2).

206.9935 Taxes imposed.—

(1) TAX FOR COASTAL PROTECTION.—

(4)(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise, ~~to be collected from and paid by each registrant, including facilities subject to the excise tax levied by ss. 376.30-376.315, an excise tax upon each registrant for the privilege of operating a terminal facility and handling all pollutants covered by ss. 376.011-376.21, the amount of which is to be determined by the department as measured by the volume in barrels of liquid pollutants transferred to or from the registrant.~~

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state; however, the tax on petroleum products first imported into this state by a licensed refiner shall be imposed when the product is first removed or transferred from a storage facility. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(b) The excise tax shall be 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state ~~transferred~~ until the balance in the Coastal Protection Trust Fund equals or exceeds \$30 million. For the fiscal year immediately following the year in which the balance in the fund equals or exceeds \$30 million, no excise tax shall be levied unless:

1. The balance in the fund is less than or equal to \$25 million. For the fiscal year immediately following the year in which the balance in the fund is less than or equal to \$25 million, the excise tax shall be and shall remain 2 cents per barrel or equivalent measure ~~transferred~~ until the fund again equals or exceeds \$30 million. For the fiscal year immediately following the year in which the fund again is equal to or exceeds \$30 million, the excise tax and fund shall be controlled as when the fund first was equal to or exceeded \$30 million.

2. There is a discharge of catastrophic proportions, the results of which could significantly reduce the balance in the fund. In the event of such a catastrophic occurrence, the Governor and Cabinet as the head of the Department of Natural Resources may, by rule, relevy the excise tax in an amount not to exceed 10 cents per barrel for a period of time sufficient to maintain the fund at a balance of \$30 million, after payment of the costs and damages related to the catastrophic discharge.

3. The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this subsection section, for the fiscal year following the year in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain 5 cents per barrel or equivalent measure ~~transferred~~ until all outstanding proven claims have been paid and the fund again equals or exceeds \$10 million. For the fiscal year immediately following the year in which the fund, after levy of the 5-cent excise tax, again is equal to or exceeds \$10 million, the excise tax and fund shall be controlled in accordance with subparagraph 1., unless otherwise provided.

4. The fund has had appropriated to it by the Legislature, but has not yet repaid, state funds from the General Revenue Fund. In such event, the excise tax shall continue to be in effect until all such funds are repaid to the General Revenue Fund.

(2) TAX FOR WATER QUALITY—

(5)(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise. ~~to be collected from and paid by a person for the privilege of operating a terminal facility, as defined in s. 376.031(9), and from a person for the privilege of operating a facility not covered by ss. 376.011-376.21, which is served by air, rail, truck, pipeline located in this state, or a vessel, used for the purpose of storing, handling, or transferring pollutants. The state and political subdivisions in this state are exempt from the excise tax.~~

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state; however, the tax on petroleum products first imported into this state by a licensed refiner shall be imposed when the product is first removed or transferred from a storage facility. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(b) The excise tax shall be 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into ~~coming to rest in~~ the state, until the balance in the Water Quality Account of the Water Quality Assurance Trust Fund equals or exceeds an unobligated balance of \$12 million, at which time no excise tax shall be levied unless:

1. The balance in the Water Quality Account fund is less than or equal to an unobligated balance of \$3 million, in which case the 2-cent tax will resume within 90 days following the end of the month in which such unobligated balance occurs and continue until the balance in the fund again equals or exceeds an unobligated balance of \$12 million.

2. The balance in the Water Quality Account is insufficient ~~fund is~~ unable to pay any and all proven costs against said account ~~the fund~~, in which case the excise tax will be and remain 5 cents per barrel, or equivalent measure ~~established by the department~~, until such proven costs have been paid, or the amount sufficient to pay such costs has accrued to the Water Quality Account, and the remainder in said account ~~the fund~~ equals or exceeds \$1.5 million, when the provisions of subparagraph 1. will control.

3. The Water Quality Account or, prior to October 1, 1986, the fund has had appropriated to it by the Legislature, but has not yet repaid, state funds from the General Revenue Fund. In such event, the excise tax will continue to be in effect until all such funds are repaid to the General Revenue Fund.

(3) TAX FOR INLAND PROTECTION—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state; however, the tax on petroleum products first imported into this state by a licensed refiner shall be imposed when the product is first removed or transferred from a storage facility. The tax shall be paid or remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(b) The excise tax shall be 10 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state. However, if after January 1, 1987, the unobligated balance in the SUPER Account of the Water Quality Assurance Trust Fund is or falls below \$5 million, the tax shall be increased to 20 cents per barrel of pollutant and remain at said rate until the unobligated balance in said account exceeds \$15 million, at which time the tax shall be 10 cents per barrel of pollutant. Changes in the tax rate pursuant to this subsection shall take effect on the first day of the month which begins on or after the 60th day following the date on which the unobligated balance of said account falls below \$5 million or exceeds \$15 million.

(c) This subsection expires on October 1, 1992, and shall be reviewed by the Legislature during the 1992 regular legislative session.

206.9940 Exemptions.—

(1) The following items shall be exempt from the tax imposed under s. 206.9935(3): American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils; intermediate fuel oils (IFO) used by the taxpayer for marine bunkering with a viscosity of 30 and higher; asphalt oil; petrochemical feedstocks; and pesticides, ammonia, chlorine, and derivatives thereof.

(2) Petroleum products exported from the first storage facility at which they are held in this state by the licensed refiner who first imported said products are exempt from the tax imposed under s. 206.9935(3).

(3) Crude oil produced at a well site subject to regulation under s. 377.22 and exported from that site by the producer exclusively by pipeline, truck, or rail to beyond the jurisdiction of this state without intermediate storage or stoppage shall be exempt from the tax imposed under s. 206.9935(1).

(4) Pesticides, ammonia, chlorine, and derivatives thereof shall be exempt from the taxes imposed in s. 206.9935(1) and (2) if, upon initial import into this state, such products are stored in containers having an individual storage capacity of 550 gallons or less, or equivalent measure as prescribed by the department.

**206.9942 Refunds and credits.—**

(1) A licensed refiner who has purchased tax-paid petroleum products from another licensed refiner and who exports said products from the state may deduct the amount of tax paid thereon pursuant to s. 206.9935(3) from the amount owed to the state and remitted pursuant to s. 206.9930(2).

(2) Any licensed importer or wholesaler who has purchased tax-paid petroleum products from a licensed refiner and who exports said products from the state may apply for a refund of the amount of tax paid thereon pursuant to s. 206.9935(3). Administrative procedures governing such refunds shall be those specified in s. 212.67.

(3) It is the responsibility of the applicant to affirmatively demonstrate to the satisfaction of the department that he is eligible for any deduction or refund claimed hereunder. Without such demonstration, no refund or deduction shall be allowed.

**206.9945 Funds collected; disposition; department authority.—**

(1) The department shall deposit all funds received and collected by it under this part into the Gas Tax Collection Trust Fund to be transferred, less the costs of administration, as follows:

(a) Moneys collected pursuant to s. 206.9935(1) shall be transferred to the Florida Coastal Protection Trust Fund as provided in s. 376.11;

(b) Moneys collected pursuant to s. 206.9935(2) shall be transferred to the Water Quality Account of the Water Quality Assurance Trust Fund as provided in s. 376.307; and

(c) Moneys collected pursuant to s. 206.9935(3), less any refunds granted under s. 206.9942(2), shall be transferred to the SUPER Account of the Water Quality Assurance Trust Fund as provided in s. 376.3071.

(2) The department is authorized to employ all necessary assistants to administer this part properly and is also authorized to purchase all necessary supplies and equipment and incur such other expense as may be necessary for this purpose.

Section 25. Paragraphs (c), (d), (e), (f), and (g) of subsection (4) of section 376.11, Florida Statutes, and paragraphs (c), (d), (e), (f), and (g) of subsection (5) of section 376.307 are hereby repealed.

Section 26. Subsection (5) of section 376.06, Florida Statutes, is amended to read:

**376.06 Operation of terminal facility without registration prohibited.—**

(5) The department shall require, in connection with the issuance of a terminal facility registration certificate, the payment of a reasonable fee for processing applications for registration certificates. This fee shall be in addition to the excise tax imposed by s. 206.9935(1) 376.11(4). The fee shall be reasonably related to the administrative costs of verifying data submitted pursuant to obtaining the certificates and reasonable inspections; however, the fee shall not exceed \$250 per terminal facility per year.

Section 27. Subsection (2) of s. 376.11, Florida Statutes, is amended to read:

**376.11 Florida Coastal Protection Trust Fund.—**

(2) The Florida Coastal Protection Trust Fund is established, to be used by the department as a nonlapsing revolving fund for carrying out the purposes of ss. 376.011-376.21. To this fund shall be credited all excise taxes, registration fees, penalties, judgments, and other fees and charges related to ss. 376.011-376.21 and the excise tax revenues authorized pursuant to s. 206.9945(1)(a). Charges against the fund shall be in accordance with this section.

Section 28. It is the legislative intent that paragraphs (a) and (b) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 206.9935, Florida Statutes, as amended in section 23 of this act, be construed as a reenactment and consolidation of the tax provisions in sections 376.11 and 376.307, Florida Statutes. The current balances in the Florida Coastal Protection Trust Fund and the Water Quality Assurance Trust Fund shall in no way be affected by the reenactment except as explicitly stated in this act.

Section 29. For the purpose of acquiring forms necessary for the initial implementation and administration of section 23 of this act, the Department of Revenue is exempt from the provisions of chapter 283, Florida Statutes, and part I of chapter 287, Florida Statutes. The executive director of the department is specifically authorized to promulgate emergency rules to implement the provisions of this act.

Section 30. Section 206.485, Florida Statutes, is created to read:

**206.485 Tracking system reporting requirements.—**The information required for tracking movements of petroleum products pursuant to ss. 206.48, 206.08, 206.09, and 206.095, shall be submitted in the manner prescribed by the executive director of the department by rule. The rule shall include, but not be limited to, the data elements, the format of the data elements, and the method and medium of transmission to the department.

Section 31. For purposes of levying and collecting the excise taxes imposed under part IV of chapter 206, Florida Statutes, as created by this act, for purposes of rulemaking and similar agency activities necessary for proper implementation of this act, and for the purpose of determining eligibility for the Early Detection Incentive Program established in s. 376.3071(7), Florida Statutes, as created by this act, this act shall take effect July 1, 1986. For all other purposes, this act shall take effect October 1, 1986.

**Amendment 2—**On page 1 in the title, through page 5, line 21, strike all of said lines and insert: A bill to be entitled An act relating to water quality; creating the "State Underground Petroleum Environmental Response Act of 1986" for protection of the groundwaters and inland surface waters of the state; amending s. 376.11, F.S.; providing that funding for spoil site acquisition and development from interest on the Florida Coastal Protection Trust Fund shall cease; providing for expenditure of funds accumulated for certain purposes; repealing authority for interest on the Florida Coastal Protection Trust Fund to be deposited into the Water Quality Assurance Trust Fund; creating s. 376.22, F.S.; creating the Port Trust Fund; amending s. 376.30, F.S., expanding legislative intent with respect to pollution of surface and ground waters and uses of the Water Quality Assurance Trust Fund in response thereto; amending s. 376.301, F.S., modifying present definitions and adding definitions of "petroleum," "petroleum product," "petroleum storage system," "response action," and "response action contractor"; amending s. 376.303, F.S., clarifying authority of the Department of Environmental Regulation to register pollutant storage tanks; providing for implementation of a compliance verification program; providing for implementation of a notification program for small tanks; providing for issuance and display of registration stickers; providing for annual registration and renewal fees; providing for notice of renewal; providing for disposition of fees; modifying departmental responsibility to recover funds expended; amending s. 376.305, F.S., providing that certain acts shall not be deemed an admission of responsibility; amending s. 376.307, F.S., dividing the Water Quality Assurance Trust Fund into two segregated accounts; providing general uses of the fund; providing priorities; establishing the Water Quality Account therein; providing for allocation of certain funds to said account; providing uses of such funds; modifying departmental responsibility to recover funds expended; creating s. 376.3071, F.S., establishing the State Underground Petroleum Environmental Response (SUPER) Account; providing legislative findings and intent; providing uses of the account; providing for establishment of criteria for site selection and cleanup; providing sources of funds; providing an incentive program for early reporting of petroleum contamination; providing exceptions to entitlement; providing a penalty for intentionally falsifying records or damaging a petroleum storage system; providing for voluntary cleanup; providing for reimbursement for cleanup expenses under certain conditions; providing procedure for notice, application, and review; providing a schedule for reimbursement; providing for liberal interpretation; creating the Financial and Technical Advisory Committee; providing membership, duties, organization, and expenses thereof; requiring review of certain projects; creating s. 376.3073, F.S., providing for contracts with local governments to administer programs relating to petroleum contamination; amending s.

376.308, F.S., correcting a reference; amending s. 376.309, F.S., removing certain financial responsibility requirements; creating s. 376.319, F.S., limiting liability and providing for indemnification of specified persons under certain circumstances; amending s. 570.07, F.S., requiring the Department of Agriculture and Consumer Services to notify the Department of Environmental Regulation upon discovery of unregistered storage tanks; amending ss. 215.22, 403.1655, 403.726, and 403.7264, F.S., conforming references relating to the Water Quality Assurance Trust Fund; amending ss. 376.06, 376.11, 376.313, 376.315, 376.317, and 403.091, F.S., conforming cross references; creating a position within the Department of Health and Rehabilitative Services to assist in carrying out the purposes of the act; providing for funding; creating part IV of chapter 206, F.S., and amending and transferring thereto portions of s. 376.11, F.S., and portions of s. 376.307, F.S.; providing for excise taxes on pollutants; providing for expiration date on tax for underground petroleum response; providing legislative intent and definitions; providing for certain fees; providing penalties; providing for administration; providing for various taxes for environmental protection to be imposed upon first import or production into this state; providing for suspension of the tax under certain circumstances; providing for a tax for general government under certain circumstances; providing for exemptions; providing for disposition of taxes collected; providing for administration of the part; repealing ss. 376.11(4)(c), (d), (e), (f), and (g) and 376.307(5)(c), (d), (e), (f), and (g), F.S., removing tax administrative procedure provisions from chapter 376; providing legislative intent; exempting the Department of Revenue from certain provisions of chapters 283 and 287, F.S.; creating s. 206.485, F.S.; providing certain tracking system reporting requirements; providing effective dates.

On motions by Senator Thurman, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

#### SPECIAL ORDER

Consideration of Senate Bills 739 and 717 was deferred.

**SB 703**—A bill to be entitled An act relating to the State Retirement Commission; amending s. 121.24, F.S.; authorizing panels of not fewer than three members to hear appeals; providing for training of newly appointed members; increasing the daily honorarium paid to members; reviving and readopting provisions relating to the State Retirement Commission; providing for future legislative review and repeal; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

**Amendment 1**—On page 3, strike lines 10 and 11 and insert:

Section 4. Subsections (4), (5), (6), and (7), of section 17.26, Florida Statutes, are renumbered as subsections (5), (6), (7), and (8), respectively, and a new subsection (4) is added to said section to read:

17.26 Cancellation of state warrants not presented within 1 year; 3-year limitation on payment of warrants not presented for payment.—

(4) *The Comptroller shall honor a claim for retirement benefits under a state administered retirement plan, which would otherwise be void pursuant to subsection (3), at any time up to 1 year after the death of the recipient. Sufficient amounts are hereby appropriated from the fund of original issuance to meet the obligations for claims allowed pursuant to this subsection.*

Section 5. Subsection (18), paragraph (b) of subsection (19), and paragraph (b) of subsection (29) of section 121.021, Florida Statutes, are amended, and subsection (39) is added to said section, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(18) "Past service" of any member, as provided in s. 121.081(1), means the number of years and complete months and any fractional part of a month, recognized and credited by an employer and approved by the administrator, during which he was in the active employ of an employer prior to his date of participation.

(19) "Prior service" under this chapter means:

(b) Service prior to an employee's membership in the Florida Retirement System with an employer, either before or during the employer's participation in an existing system. The word "service" as used in this paragraph and paragraph (c) means employment service prior to December 1, 1970, which, at the time it is claimed as prior service, satisfies the requirements for a regularly established position, as defined by rules of the Florida Retirement System.

(29) "Normal retirement date" means the first day of any month following the date a member attains one of the following statuses:

(b) Completes 30 years of creditable service, which may include a maximum of 4 years of military service credit, so long as such credit is not claimed under any other system, regardless of age; or

"Normal retirement age" is attained on the "normal retirement date."

(39) "Termination of employment" occurs when a member ceases all employment relationships with employers under this system, as defined in s. 121.021(10), for 1 calendar month or more and is not reemployed within that time with any such employer. A leave of absence shall constitute a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination for a member, if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The division may require other evidence of termination as it deems necessary.

Section 6. Subsection (3) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies.—

(3) The administrator shall cause an actuarial study of the system to be made at least once every 2 years and shall report the results of such study to the next session of the Legislature by February 1 prior to the next legislative session following completion of the study. Such study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:

(a) The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R. s. 1.412(c)(2), or a similar accepted approach designed to attenuate fluctuations in asset values.

(b) The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

(c) When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

(d) The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

(e) The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial evaluations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial evaluations performed on the system.

Section 7. Subsection (6) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(6) CREDIT FOR PRIOR SERVICE.—A special risk member who has creditable service with an employer under chapter 122 or chapter 321, in a position which satisfies the criteria provided for in subsection (2) for special risk membership except the requirement for a certificate or waiver of certificate, shall have those years of service counted towards the attainment of the normal retirement date as a special risk member under this chapter. The percentage value of each such year of creditable service under chapter 122 or chapter 321 shall not change as a result of the application of this subsection. A special risk member who has taken



a refund of contributions for such creditable service under chapter 122 or chapter 321 and has reclaimed it as prior service credit under this chapter shall be permitted to have such creditable service counted towards the attainment of the normal retirement date for the Special Risk Class of membership under this chapter.

Section 8. Paragraph (g) of subsection (1) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of certain elected state officers.—

(1)

(g) On or after July 1, 1981, participation in the Elected State Officers' Class shall be optional within the time provided herein for any constitutional county elected officer, including any sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court, county commissioner, school board member, or elected school board superintendent. *In addition, any elected officer of an entity with countywide jurisdiction who, pursuant to general or special law, exercises powers and duties that, but for said general or special law would be exercised by any of the aforementioned constitutional county elected officers, shall also be eligible for membership in the Elected State Officers' Class.* Any such officer may, upon application to the administrator of the Florida Retirement System within 1 year from the date the officer first becomes eligible for membership by virtue of the office he holds, transfer to and participate in the Elected State Officers' Class. Benefits shall accrue upon the same basis as provided for other nonjudicial members of the class. Any such officer who is already a member of the Florida Retirement System upon election or appointment to office shall carry with him such retirement credit as he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers.

Section 9. Paragraph (b) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a city or special district that ~~becomes~~ become a covered group under this system. The governing body of a covered group may elect to provide benefits with respect to past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service shall be established by applying the following formula: The employer shall contribute an amount equal to the contribution rate in effect at the time the service was earned, multiplied by ~~contribute 9 percent of~~ the employee's gross salary for each year of past service claimed, plus 6.5 percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 12 continuous months, *except as provided in paragraph (c).* Service performed as a participant of the optional retirement program for the State University System under s. 121.35 may be used to satisfy the 12-continuous-month requirement. The member shall not be permitted to make any contributions for prior service until after the 12-month period. The required contributions for claiming the various types of prior service are:

(c) For service performed after the Florida Retirement System becomes noncontributory for the member, and for which the member had credit under the Florida Retirement System at the date of termination of employment, the member shall not be required to make any contributions in order to receive prior service credit. *Such credit shall be granted upon reemployment of the member in a regularly established position; but such credit shall not be granted until the member has been reemployed for 12 continuous months.*

(d) For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute 13.09 percent of all salary received during such period or 13.09 percent of \$100 per month during such period, whichever is greater, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

Section 10. Paragraph (a) of subsection (4), paragraph (e) of subsection (5), and paragraph (e) of subsection (7) of section 121.091, Florida Statutes, are amended, and an introductory paragraph is added to said section, to read:

121.091 Benefits payable under the system.— *No benefits shall be paid under this section unless the member has terminated employment as provided in s. 121.021(39).*

(4) DISABILITY RETIREMENT BENEFIT.—

(a) Disability retirement date.—A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, shall be entitled to a monthly disability benefit; except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service prior to becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. But in the event that any member with less than 5 years of creditable service on July 1, 1980, becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for regular retirement or disability retirement benefits under the federal Social Security Act, such member shall be entitled to a monthly disability benefit. The disability retirement date shall be the first day of the month which coincides with or next follows the date the administrator approves payment of disability retirement benefits to the member.

(5) TERMINATION BENEFITS.—

(e) A member shall be deemed a terminated member *when termination of employment has occurred as provided in s. 121.021(39) only at such time as he is no longer employed by an employer, except as provided in subparagraph (9)(b)7.*

(7) DEATH BENEFITS.—

(e) Notwithstanding any other provisions in this chapter to the contrary, if any member who has accumulated at least 10 years of creditable service dies and the surviving spouse receives a refund of the accumulated contributions made to the retirement trust fund, such spouse may pay to the Division of Retirement an amount equal to the sum of the amount of the deceased member's accumulated contributions previously refunded plus interest at 4 percent compounded annually each June 30 from the date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made, ~~to the date of repayment~~ and receive the monthly retirement benefit as provided in paragraph (b).

Section 11. Subsection (3) of section 121.121, Florida Statutes, is amended to read:

121.121 Future service to include authorized leaves of absence.—Future service of any member as defined in s. 121.021(21) shall also include authorized leaves of absence if:

(3) The leave does not exceed 2 work years of creditable service ~~12 months at any one time nor 24 months~~ in total during his employment.

Section 12. Section 121.125, Florida Statutes, is amended to read:

121.125 Credit for workers' compensation payments.—A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be eligible to claim creditable service in accordance with subject to the following provisions:

(1) A month of retirement service credit shall be granted for each month the member receives temporary partial or temporary total workers' compensation payments until the member returns to work, reaches the date of maximum medical improvement as defined by s. 440.02(7), or retires, whichever occurs first, except, however, no member shall receive greater than 7 years of retirement service credit for periods of workers' compensation payments. The member shall not be required to return to employment to establish eligibility for such retirement service credit and such credit shall be granted without cost to the member or to the employer. In calculating the average final compensation, the salary attributed to this period shall be based on the member's regular rate of pay immediately prior to his receiving workers' compensation payments.

(2) If the member receives partial salary for the same period of time he receives workers' compensation payments for a temporary partial or temporary total injury or illness, or is retained in full-pay status in lieu of receiving workers' compensation payments, the employer shall pay into the System Trust Fund the required retirement and social security contributions for such salary payments each pay period as required in s. 121.071(5). Service credit shall be awarded as provided in s. 121.021(17). In calculating the Average Final Compensation, the salary attributed to this period shall be based on the actual salary received during the time claimed, or the member's regular rate of pay immediately prior to his receiving workers' compensation payments, if greater.

(1) ~~If the member receives no salary payments for the period of time he receives workers' compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which workers' compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments; or~~

(2) ~~If the member receives partial salary for the period of time he receives workers' compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which workers' compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments; or~~

(3) ~~If the member is retained in full pay status in lieu of receiving workers' compensation payments, the required employee contributions shall be deducted from his salary each pay period and he shall receive retirement credit for such period in the same manner he would have received credit had he not been injured or incapacitated.~~

Section 13. Paragraph (b) of subsection (6) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(6) ADMINISTRATION OF PROGRAM.—

(b) After receiving and considering the recommendations of the Board of Regents, the division shall designate no more than four companies, one of which shall be a Florida domestic company, from which annuity contracts may be purchased under the program, and shall approve the form and content of the optional retirement program contracts.

Section 14. Paragraph (b) of subsection (13) and paragraph (a) of subsection (14) of section 121.40, Florida Statutes, are amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(13) INVESTMENT OF THE TRUST FUND.—

(b) Costs incurred in carrying out the provisions of this part shall be deducted from the interest earnings accruing to the trust fund.

(14) ADMINISTRATION OF SYSTEM.—

(a) The division shall make such rules as are necessary for the effective and efficient administration of this system. The director of the division shall be the administrator of the system. The funds to pay the expenses for such administration shall be appropriated from the interest earned on investments made for the trust fund.

Section 15. Subsection (7) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(7) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be eligible to claim creditable service in accordance with subject to the following provisions:

(a) A month of retirement service credit shall be granted for each month the member receives temporary partial or temporary total workers' compensation payments until the member returns to work, reaches

the date of maximum medical improvement as defined by s. 440.02(7), or retires, whichever occurs first, except, however, no member shall receive greater than 7 years of retirement service credit for periods of workers' compensation payments. The member shall not be required to return to employment to establish eligibility for such retirement service credit and such credit shall be granted without cost to the member or the employer. In calculating the average final compensation, the salary attributed to this period shall be based on the member's regular rate of pay immediately prior to his receiving workers' compensation payments.

(b) If the member receives partial salary for the period of time he receives workers' compensation payments for a temporary partial or temporary total injury or illness, or is retained in full-pay status in lieu of receiving workers' compensation payments, the employer shall pay into the System Trust Fund the required retirement and social security contributions for such salary payments each pay period as required in s. 121.071(5). Service credit shall be awarded as provided in s. 121.021(17). In calculating the average final compensation, the salary attributed to this period shall be based on the actual salary received during the time claimed, or the member's regular rate of pay immediately prior to his receiving workers' compensation payments, if greater.

(a) ~~If the member receives no salary payments for the period of time he receives workers' compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which workers' compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments;~~

(b) ~~If the member receives partial salary for the period of time he receives workers' compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which workers' compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments; or~~

(c) ~~If the member is retained in full pay status in lieu of receiving workers' compensation payments, the required employee contributions shall be deducted from his salary each pay period, and he shall receive retirement credit for such period in the same manner by which he would have received credit had he not been injured or incapacitated.~~

Section 16. Subsection (10) of section 238.06, Florida Statutes, is amended to read:

238.06 Membership application, creditable service, and time for making contributions.—

(10) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be eligible to claim creditable service in accordance with subject to the following provisions:

(a) A month of retirement service credit shall be granted for each month the member receives temporary partial or temporary total workers' compensation payments until the member returns to work, reaches the date of maximum medical improvement as defined by s. 440.02(7), or retires, whichever occurs first, except, however, no member shall receive greater than 7 years of retirement service credit for periods of workers' compensation payments. The member shall not be required to return to employment to establish eligibility for such retirement service credit and such credit shall be granted without cost to the member or the employer. In calculating the average final compensation, the salary attributed to this period shall be based on the member's regular rate of pay immediately prior to his receiving workers' compensation payments.

(b) If the member receives partial salary for the same period of time he receives workers' compensation payments for a temporary partial or temporary total injury or illness, or is retained in full-pay status in lieu of receiving workers' compensation payments, the employer shall pay into the System Trust Fund the required retirement and social security contributions for such salary payments each pay period as required in s. 121.071(5). Service credit shall be awarded as provided in s.



121.021(17). In calculating the average final compensation, the salary attributed to this period shall be based on the actual salary received during the time claimed, or the member's regular rate of pay immediately prior to his receiving workers' compensation payments, if greater.

(a) If the member receives no salary payments for the period of time he receives workers' compensation payments, upon his return to active employment he shall receive full retirement credit for the period for which workers' compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments.

(b) If the member receives partial salary for the period of time he receives workers' compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which workers' compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments.

(c) If the member is retained in full pay status in lieu of receiving workers' compensation payments, the required employee contributions shall be deducted from his salary each pay period, and he shall receive retirement credit for such period in the same manner he would have received credit had he not been injured or incapacitated.

Section 17. Subsection (5) of section 321.19, Florida Statutes, is amended to read:

321.19 Computing length of service; definitions; examining committee.—

(5) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be eligible to claim creditable service in accordance with subject to the following provisions:

(a) A month of retirement service credit shall be granted for each month the member receives temporary partial or temporary total workers' compensation payments until the member returns to work, reaches the date of maximum medical improvement as defined by s. 440.02(7), or retires, whichever occurs first, except, however, no member shall receive greater than 7 years of retirement service credit for periods of workers' compensation payments. The member shall not be required to return to employment to establish eligibility for such retirement service credit and such credit shall be granted without cost to the member or the employer. In calculating the average final compensation, the salary attributed to this period shall be based on the member's regular rate of pay immediately prior to his receiving workers' compensation payments.

(b) If the member receives partial salary for the same period of time he receives workers' compensation payments for a temporary partial or temporary total injury or illness, or is retained in full-pay status in lieu of receiving workers' compensation payments, the employer shall pay into the System Trust Fund the required retirement and social security contributions for such salary payments each pay period as required in s. 121.071(5). Service credit shall be awarded as provided in s. 121.021(17). In calculating the average final compensation, the salary attributed to this period shall be based on the actual salary received during the time claimed, or the member's regular rate of pay immediately prior to his receiving workers' compensation payments, if greater.

(a) If the member receives no salary payments for the period of time he receives workers' compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which workers' compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments; or

(b) If the member receives partial salary for the period of time he receives workers' compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement

credit for the period for which workers' compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving workers' compensation payments; or

(c) If the member is retained in full pay status in lieu of receiving workers' compensation payments, the required employee contributions shall be deducted from his salary each pay period, and he shall receive retirement credit for such period in the same manner he would have received credit had he not been injured or incapacitated.

Section 18. This act shall take effect October 1, 1986.

**Amendment 2**—In title, on page 1, strike all of lines 1-11 and insert: A bill to be entitled An act relating to the retirement; amending s. 121.24, F.S.; authorizing panels of not fewer than three members to hear appeals; providing for training of newly appointed members; increasing the daily honorarium paid to members; reviving and readopting provisions relating to the State Retirement Commission; providing for future legislative review and repeal; amending s. 17.26, F.S., permitting retirees of the state administered retirement systems to have expired retirement warrants honored under certain circumstances; amending s. 121.021, F.S., clarifying the definition of past service, clarifying the definition of prior service, deleting the prohibition of using military credit in only one retirement system, and creating a definition of termination of employment; amending s. 121.031, F.S., requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.0515, F.S., permitting former members of the Highway Patrol Pension System to receive special risk credit for prior service; amending s. 121.052, F.S., providing that membership in the Elected State Officers' Class is for constitutional elected county officers and other elected officers with countywide constitutional powers; amending s. 121.081, F.S., to require the purchase of past service credit at the contribution rate in effect at the time the service was earned; deleting the 12 continuous month reemployment provision for certain prior service; revising the contribution rate for the purchase of certain prior service; amending s. 121.091, F.S., providing that benefits will not be paid under the Florida Retirement System until a member has terminated employment; revising the criteria for eligibility to qualify for disability benefits; revising the contribution rate for purchase by a spouse of a deceased member's refunded service; amending s. 121.121, F.S., providing new limitations for authorized leaves of absence; amending s. 121.125, F.S., revising the requirements to receive retirement credit for certain workers' compensation leaves; amending s. 121.35, F.S., deleting the requirement that one of the optional retirement program carriers be a Florida domestic company; amending s. 121.40 F.S., specifying that administrative costs incurred in administering the Institute of Food and Agricultural Sciences Supplemental Retirement Act shall be paid from the Institute of Food and Agricultural Sciences Trust Fund; amending ss. 122.03, 238.06 and 321.19, F.S., revising the requirements to receive retirement credit for certain workers' compensation leaves; providing an effective date.

On motion by Senator Margolis, by two-thirds vote SB 703 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Johnson	Neal
Beard	Frank	Kiser	Peterson
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Jenne	Meek	Vogt
Dunn	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Kirkpatrick

Consideration of SB 1115 was deferred.

On motions by Senator Stuart, by two-thirds vote HB 73 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Stuart—

**HB 73**—A bill to be entitled An act relating to contractual services; amending s. 287.012, F.S., redefining the term "contractual services"; providing an effective date.

—a companion measure, was substituted for SB 332 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 73 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fox	Jennings	Scott
Beard	Frank	Johnson	Stuart
Castor	Girardeau	Kiser	Thomas
Childers, D.	Gordon	Langley	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crawford	Grizzle	Meek	Weinstein
Crenshaw	Hair	Myers	
Deratany	Hill	Neal	
Dunn	Jenne	Peterson	

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Kirkpatrick

SB 332 was laid on the table.

**SB 667**—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; authorizing school boards to provide awards and incentives; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 667 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jennings	Myers
Beard	Frank	Johnson	Neal
Castor	Girardeau	Kiser	Peterson
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Crenshaw	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Kirkpatrick

**CS for SB 894**—A bill to be entitled An act relating to opticianry; amending s. 484.001, F.S.; providing purpose; amending s. 484.002, F.S.; modifying the definition of opticianry; amending s. 484.005, F.S.; modifying the board's authority to make rules; amending s. 484.007, F.S.; modifying licensure requirements; amending s. 484.012, F.S.; modifying requirements for prescriptions, filing, and duplication of prescriptions; amending s. 484.013, F.S.; providing violations and penalties; amending s. 484.014, F.S.; establishing grounds for disciplinary actions; amending s. 484.015, F.S.; modifying the purposes for which the Department of Professional Regulation may inspect; amending s. 484.016, F.S.; providing for prosecution of criminal violations; amending s. 484.019, F.S.; providing a saving clause; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

**Amendment 1**—On page 6, line 6, after "prescription" insert: , *except that a contact lens prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription*

**Amendment 2**—On page 5, between lines 4 and 5, insert a new Section 3:

3. *Is an individual who has actively practiced in another state for more than 5 years immediately preceding application and who provides tax or business records, affidavits or other satisfactory documentation of such practice and who meets the examination qualifications as provided in this subsection; or*

(Renumber subsequent sections.)

On motion by Senator Frank, by two-thirds vote CS for SB 894 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fox	Kirkpatrick	Neal
Beard	Frank	Kiser	Stuart
Castor	Girardeau	Langley	Thomas
Childers, D.	Gordon	Malchon	Thurman
Childers, W. D.	Grant	Mann	Vogt
Crawford	Grizzle	Margolis	Weinstein
Crenshaw	Hill	McPherson	
Deratany	Jennings	Meek	
Dunn	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Hair, Jenne, Peterson

**CS for SB 767**—A bill to be entitled An act relating to pardons; providing that provisions of law prohibiting the licensure or employment of a person or denying such person the right to engage in a business because of a felony conviction do not apply if the person was pardoned for such felony; providing exceptions with respect to law enforcement or correctional officers, firefighters, or persons convicted of certain crimes; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 25, after "Statutes." insert: This section does not apply to a person who is pardoned for a sex offense and who is seeking employment in a program caring for minors or developmentally disabled persons, but does apply to a person who is pardoned upon a later finding of innocence.

On motion by Senator Fox, by two-thirds vote CS for SB 767 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gersten	Jennings	Neal
Castor	Girardeau	Kirkpatrick	Peterson
Childers, D.	Gordon	Kiser	Scott
Childers, W. D.	Grant	Langley	Stuart
Crenshaw	Grizzle	Malchon	Thomas
Deratany	Hair	Margolis	Thurman
Dunn	Hill	Meek	Vogt
Fox	Jenne	Myers	Weinstein

Nays—3

Beard	Frank	Johnson
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Vote after roll call:

Yea—Barron

On motion by Senator Grizzle, the rules were waived and by two-thirds vote HB 288 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Grizzle—

**HB 288**—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Act; creating s. 501.2045, F.S., prohibiting a seller in certain transactions from representing goods as new or original when they are not new or original; providing a penalty; providing an effective date.

—a companion measure, was substituted for SB 777 and read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 288 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Hill	Myers
Beard	Frank	Jennings	Neal
Childers, D.	Gersten	Johnson	Scott
Childers, W. D.	Girardeau	Kiser	Stuart
Crawford	Gordon	Langley	Thomas
Crenshaw	Grant	Malchon	Thurman
Deratany	Grizzle	Margolis	Vogt
Dunn	Hair	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick, Peterson

SB 777 was laid on the table.

**Senator Dunn presiding**

On motion by Senator Thurman—

**HB 395**—A bill to be entitled An act relating to poultry; amending s. 583.01, F.S.; revising the definition of “poultry”; providing an effective date.

—a companion measure, was substituted for SB 1024 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 395 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Beard	Gersten	Johnson	Peterson
Childers, D.	Girardeau	Kiser	Scott
Childers, W. D.	Gordon	Langley	Stuart
Crawford	Grant	Malchon	Thomas
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hair	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Castor, Kirkpatrick

SB 1024 was laid on the table.

**SB 658**—A bill to be entitled An act relating to district school board direct-support organizations; amending s. 496.04, F.S.; exempting certain district school board direct-support organizations from the registration requirements of the Solicitation of Charitable Contributions Act; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 658 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Gersten	Johnson	Myers
Childers, W. D.	Girardeau	Kiser	Neal
Crawford	Gordon	Langley	Peterson
Crenshaw	Grant	Malchon	Scott
Deratany	Grizzle	Mann	Stuart
Dunn	Hair	Margolis	Thurman
Fox	Hill	McPherson	Vogt
Frank	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Castor, D. Childers, Jenne, Kirkpatrick

On motions by Senator Johnson—

**HB 36**—A bill to be entitled An act relating to education; amending s. 228.087, F.S., expanding the scope of certain summer camp programs to all elementary and secondary students; providing an effective date.

—a companion measure, was substituted for SB 706 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 36 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Gersten	Kiser	Peterson
Childers, D.	Girardeau	Langley	Scott
Childers, W. D.	Gordon	Malchon	Stuart
Crawford	Grant	Mann	Thurman
Crenshaw	Grizzle	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Castor, Kirkpatrick

SB 706 was laid on the table.

On motion by Senator Peterson, by two-thirds vote HB 928 was withdrawn from the Committee on Appropriations.

On motion by Senator Peterson—

**HB 928**—A bill to be entitled An act relating to honey certification and honeybees; amending s. 586.01, F.S., renaming the Florida Honey Certification Law as the Florida Honey Certification and Honeybee Law; amending s. 586.02, F.S., providing definitions; creating s. 586.025, F.S., prohibiting the introduction of honeybee pests or an unwanted race of honeybees; providing an exception; amending s. 586.03, F.S., providing for the certification and labeling of Florida-produced honey; creating s. 586.035, F.S., providing requirements with respect to the sale, offering for sale, distribution, concealment and information regarding honeybees, honeybee pests, beekeeping equipment and unwanted races of honeybees; providing penalties; amending s. 586.09, F.S., providing for the revocation or suspension of certificates of inspection and permits; amending s. 586.10, F.S., relating to the powers and duties of the department; amending s. 586.11, F.S., relating to the certificate of inspection; creating s. 586.115, F.S., providing for the fumigation, destruction, or treatment of honeybees, honeybee products, and beekeeping equipment; amending s. 586.13, F.S., providing procedures for the removal, destruction or treatment of infested or infected honeybees or beekeeping equipment; amending s. 586.14, F.S., providing for compensation for beekeeping equipment and honeybees destroyed due to infestation with American foulbrood; amending s. 586.15, F.S., providing penalties; creating s. 586.16, F.S., requiring the Department of Agriculture and Consumer Services to deposit moneys into described funds; creating s. 586.161, F.S., creating the Honeybee Technical Council; repealing s. 586.04, F.S., relating to fees for certification; repealing s. 586.05, F.S., relating to the unlawful use of certain words with respect to honey; repealing s. 586.051, F.S., relating to a requirement of purity; repealing s. 586.06, F.S., relating to rules of the Department of Agriculture and Consumer Services; repealing s. 586.07, F.S., relating to certain employees of the department; repealing s. 586.12, F.S., relating to the authority of the department to enter premises and make inspections; providing an effective date.

—a companion measure, was substituted for SB 589 and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 928 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Gersten	Langley	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	
Frank	Kiser	Peterson	

Nays—None

Vote after roll call:

Yea—Barron, Castor, Kirkpatrick

SB 589 was laid on the table.

**CS for SB 557**—A bill to be entitled An act relating to the state correctional system; amending s. 944.47, F.S.; correcting a definitional cross-reference; amending s. 951.22, F.S.; prohibiting possession of contraband in county detention facilities; specifying what constitutes such contraband; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote CS for SB 557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Frank	Johnson	Neal
Beard	Gersten	Kiser	Peterson
Childers, D.	Girardeau	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Crenshaw	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Kirkpatrick

**SB 1115**—A bill to be entitled An act relating to dissolution of marriage; creating s. 61.075, F.S.; authorizing courts to equitably distribute marital assets and liabilities; defining marital and nonmarital assets and liabilities; providing for the effect of a recorded judgment; establishing the date for determining marital assets and liabilities and the value thereof; providing a presumption as to marital assets and liabilities; provides for monetary payments; provides for the consideration of an alimony award; amending s. 61.08, F.S.; adding marital assets and liabilities as factor in the determination of an award of alimony or maintenance; providing an effective date.

—was read the second time by title.

Senator Dunn offered the following amendment which was moved by Senator Johnson and adopted:

**Amendment 1**—On page 5, strike all of lines 15-19 and insert:

Section 3. This act shall not apply to proceedings pending on the effective date of this act.

Section 4. This act shall take effect January 1, 1987, and shall apply to actions for dissolution of marriage that arise after that date.

Senator Langley moved the following amendment:

**Amendment 2**—On page 4, lines 22 and 23, insert Subsection (8):

(8) Nothing in this section shall be construed to require an equal division of marital assets; however, marital assets may be so divided if equitable distribution requires such division.

On motion by Senator Fox, further consideration of SB 1115 was deferred.

#### The President presiding

Consideration of SB 694 was deferred.

**CS for SB 520**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.363, F.S., relating to optional method of collecting special assessments and service charges; correcting a reference; amending s. 197.413, F.S., relating to delinquent personal property taxes; revising tax collector's fee; amending s. 197.472, F.S.; revising provisions relating to redemption of tax certificates; amending s. 197.473, F.S., relating to disposition of unclaimed redemption moneys; revising tax collector's service charge; amending s. 197.502, F.S., relating to tax deeds; revising provisions relating to consolidated applications; providing for taxes on lands listed as available for taxes; providing for escheat to the county;

amending s. 197.592, F.S.; providing that certain lands acquired by a county for delinquent taxes which are located within the boundaries of an incorporated municipality shall be conveyed to the governing board of the municipality; providing that liens of record held by the county on tax delinquent lands do not survive specified conveyance; providing for a refund of certain fees; providing effective dates.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 520 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Kirkpatrick	Peterson
Beard	Gersten	Kiser	Scott
Castor	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hair	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jennings	Myers	
Fox	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Jenne

On motion by Senator Grant, by two-thirds vote HB 1009 was withdrawn from the Committee on Education.

On motion by Senator Grant—

**HB 1009**—A bill to be entitled An act relating to the naming of state buildings; directing the Board of Regents of the State University System to name the health center building at Florida State University the "Norman E. Thagard Health Center Building"; providing an effective date.

—a companion measure, was substituted for SB 740 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1009 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Gersten	Kiser	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	
Frank	Kirkpatrick	Peterson	

Nays—1

Gordon

Vote after roll call:

Yea—Barron, Castor, Jenne

SB 740 was laid on the table.

#### Explanation of Vote

I believe all university buildings should be named for significant private donors.

*Jack D. Gordon, 35th District*

Consideration of SB 561 was deferred.

On motion by Senator Fox—

**HB 626**—A bill to be entitled An act relating to acquired immune deficiency syndrome (AIDS); providing an appropriation to the Department of Health and Rehabilitative Services for renovation and equipment of a clinic at Jackson Memorial Hospital for patients with AIDS; providing an effective date.

—a companion measure, was substituted for CS for SB 411 and read the second time by title. On motion by Senator Fox, by two-thirds vote HB 626 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Hill	Myers
Barron	Fox	Jennings	Neal
Beard	Frank	Johnson	Peterson
Castor	Gersten	Kiser	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Gordon	Mann	Thomas
Crawford	Grant	Margolis	Thurman
Crenshaw	Grizzle	McPherson	Vogt
Deratany	Hair	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

CS for SB 411 was laid on the table.

On motion by Senator Johnson, by two-thirds vote SB 588 was removed from the special order calendar and indefinitely postponed.

**CS for SB 345**—A bill to be entitled An act relating to the Fictitious Name Statute; amending s. 865.09, F.S.; providing for periodic expiration of registrations of fictitious names; providing a form for the registration statement; requiring a statement of withdrawal by a partner who withdraws from a partnership operating under a fictitious name; providing for names registered before the effective date of the act; providing for notice; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for SB 345 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Jennings	Peterson
Beard	Frank	Johnson	Scott
Castor	Gersten	Kiser	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crenshaw	Grizzle	McPherson	Vogt
Deratany	Hair	Meek	Weinstein
Dunn	Hill	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick

**SB 350**—A bill to be entitled An act relating to gambling; amending s. 849.09, F.S., allowing possession of lottery tickets lawfully purchased in another state or country; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 350 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kiser	Scott
Castor	Gersten	Malchon	Stuart
Childers, D.	Girardeau	Mann	Thomas
Childers, W. D.	Gordon	Margolis	Thurman
Crawford	Grant	McPherson	Vogt
Crenshaw	Grizzle	Meek	Weinstein
Deratany	Hill	Myers	
Dunn	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick

Yea to Nay—Peterson

**SB 833**—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S., directing the Department of Health and Rehabilitative Services to make certain rules; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 833 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Kirkpatrick	Peterson
Beard	Frank	Kiser	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crenshaw	Hill	McPherson	Weinstein
Deratany	Jennings	Meek	
Dunn	Johnson	Myers	

Nays—2

Grant Thomas

Vote after roll call:

Yea—Barron, Gersten, Jenne, Neal

On motion by Senator Kiser, the rules were waived and SB 833 was ordered immediately certified to the House.

**SB 717**—A bill to be entitled An act relating to disposition of dead human bodies; amending s. 470.019, F.S.; providing for disciplinary actions against direct disposers, direct disposer establishments, and cinerator facilities on prescribed grounds; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 14, strike "*direct disposal establishments, and cinerator facilities*" and insert: *and direct disposal establishments*

**Amendment 2**—On page 1, lines 20 and 21, strike "*or for license as a cinerator facility*"

**Amendment 3**—On page 1, lines 23, 24, 26 and 27, strike "*or for license of a cinerator facility*"

**Amendment 4**—On page 2, lines 1,3 and 5, strike "*or licensee*"

**Amendment 5**—On page 2, line 9, strike "*or license*"

**Amendment 6**—On page 2, line 19, strike "*direct disposition establishments, or cinerator facilities*" and insert: *or direct disposition establishments*

**Amendment 7**—On page 2, lines 21 and 22, strike "*direct disposition establishment, or cinerator facility*" and insert: *or a direct disposition establishment*

**Amendment 8**—On page 3, lines 27 and 28, strike "*direct disposal establishments, or cinerator facilities*" and insert: *or direct disposal establishments*

**Amendment 9**—On page 4, line 2, strike "*or license*"

**Amendment 10**—On page 4, lines 8 and 9, strike "*or in the operation of a cinerator facility*"

**Amendment 11**—On page 4, line 10, insert a new Section 2:

Section 2. Section 470.036 is amended to read:

470.036 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 470.031 or s. 455.227(1).

(b) Attempting to procure, or procuring, a license to practice embalming, or funeral directing or operate a cinerator facility by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to practice funeral directing, ~~or~~ embalming or operate a cinerator facility revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction.

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of embalming, ~~or~~ funeral directing or operation of a cinerator facility or the ability to practice embalming, ~~or~~ funeral directing or operation of a cinerator facility.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state, local, or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed funeral director, ~~or~~ embalmer or cinerator facility operator.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Fraud or deceit, or negligence, incompetency, or misconduct, in the practice of funeral directing, ~~or~~ embalming or cinerator facility operation.

(h) A violation or repeated violation of this chapter or of chapter 455 and any rules promulgated pursuant thereto.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(j) Practicing on a revoked, suspended, or inactive license.

(k) Misrepresentation or fraud in the conduct of the business of or profession of the licensee.

(l) Making any false or misleading statement, oral or written, directly or indirectly, regarding any law or rule pertaining to the disposition of dead human bodies.

(m) Making any false or misleading statement, oral or written, directly or indirectly, regarding the sale of services or merchandise in connection with funeral directing, ~~or~~ embalming, or cinerator facility operation on a preneed or at-need basis.

(n) Aiding or abetting an unlicensed person to practice any licensed activity.

(o) Violation of any state law or rule or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead bodies.

(p) Refusing to surrender promptly the custody of a dead human body upon the express order of the legally authorized person; however, this provision shall be subject to any state laws or rules governing custody or transportation of deceased human bodies.

(q) Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for funeral directing business, ~~or~~ embalming business or cinerator facility operator, by the licensee, or his agent, assistant, or employee; however, this provision shall not prohibit the payment of commissions by a funeral director, ~~or~~ funeral establishment or cinerator facility to its agents registered pursuant to chapter 639 or to licensees hereunder.

(r) Taking possession of a dead human body without first having obtained written or oral permission from a legally authorized person.

(s) Requiring that a casket be purchased for cremation or claiming directly or by implication that a casket is required for cremation.

(t) Embalming a deceased human body without first having obtained written or oral permission from a legally authorized person; however, washing and other public health procedures, such as closing of the orifices by placing cotton soaked in a disinfectant in such orifices until authorization to embalm is received, shall not be precluded.

(u) Misrepresenting the amount advanced on behalf of a customer for any item of service or merchandise, including, but not limited to, cemetery or crematory services, pallbearers, public transportation, clergy hon-

oraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates, described as cash advances, accommodations, or words of similar import on the contract, final bill, or other written evidence of agreement or obligation furnished to customers; however, nothing herein shall require disclosure of a discount or rebate which may accrue to a licensee subsequent to making a cash advance.

(v) Making any false or misleading statement or claim that natural decomposition or decay of human remains can be prevented or substantially delayed by embalming, use of a sealed or unsealed casket, or use of a sealed or unsealed outer burial container.

(w) Solicitation by the licensee, or his agent, employee, or assistant, through the use of fraud, undue influence, intimidation, overreaching, or other form of vexatious conduct.

(2) When the board finds any licensed embalmer, funeral director, cinerator facility or cinerator facility operator licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.

(f) Restriction of the authorized scope of practice.

(3) The department shall reissue the license of a disciplined licensee upon certification by the board that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(Renumber subsequent sections.)

**Amendment 12**—In title, on page 1, line 3, after "470.019," insert: and 470.036,

On motion by Senator Kirkpatrick, by two-thirds vote SB 717 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Hill	Myers
Barron	Fox	Jennings	Neal
Beard	Frank	Johnson	Peterson
Castor	Gersten	Kirkpatrick	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Gordon	Mann	Thomas
Crawford	Grant	Margolis	Thurman
Crenshaw	Grizzle	McPherson	Vogt
Deratany	Hair	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

**SB 694**—A bill to be entitled An act relating to hazardous waste; amending s. 403.201, F.S.; prohibiting certain variances from hazardous waste management requirements; amending s. 403.703, F.S.; providing definitions; amending s. 403.704, F.S.; authorizing the Department of Environmental Regulation to accept certain delegation of a federal hazardous waste management program; amending s. 403.721, F.S.; revising provisions relating to reports by generators of hazardous waste and requirements imposed on owners and operators of hazardous waste facilities; providing for requirements for solid waste management units and land disposal facilities and prohibition of certain land disposal and storage; providing for regulation of hazardous waste fuel; amending s. 403.722, F.S.; providing for hazardous waste facility permit conditions; providing additional criteria for permit revocation; providing requirements for certain land disposal facilities operating with a temporary operation permit; providing for termination of certain temporary per-

mits; providing for continued temporary permits for certain hazardous waste facilities; providing time limitation for hazardous waste facility operation permits; creating s. 403.7221, F.S.; providing for research, development, and demonstration permits for certain facilities; amending s. 403.7222, F.S.; specifying departmental powers relating to disposal of hazardous waste; amending s. 403.7234, F.S.; specifying regulation of waste management practices of small quantity generators; amending s. 403.724, F.S.; providing for claims against guarantors who provide evidence of financial responsibility for owners or operators; amending s. 403.727, F.S.; specifying additional violations with respect to hazardous waste; amending s. 403.751, F.S.; revising provisions relating to authorized uses of used oil; creating s. 403.7545, F.S.; specifying departmental power with respect to regulation of used oil as a hazardous waste; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 694 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jennings	Myers
Barron	Fox	Johnson	Neal
Beard	Frank	Kirkpatrick	Peterson
Castor	Gersten	Kiser	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Gordon	Mann	Thomas
Crawford	Grant	Margolis	Thurman
Crenshaw	Grizzle	McPherson	Vogt
Deratany	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

On motion by Senator Grizzle, by two-thirds vote CS for HB 408 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Grizzle—

**CS for HB 408**—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S.; prohibiting persons under 18 from being involved in the conduct of bingo games; authorizing organizations conducting bingo to refuse entry to certain persons; providing a penalty; providing an effective date.

—a companion measure, was substituted for SB 778 and by two-thirds vote read the second time by title. On motion by Senator Grizzle, by two-thirds vote CS for HB 408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dunn	Hill	Myers
Barron	Fox	Jennings	Peterson
Beard	Frank	Johnson	Scott
Childers, D.	Gersten	Malchon	Stuart
Childers, W. D.	Girardeau	Mann	Thurman
Crawford	Gordon	Margolis	Vogt
Crenshaw	Grant	McPherson	Weinstein
Deratany	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Neal

SB 778 was laid on the table.

On motions by Senator D. Childers, by two-thirds vote HB 336 was withdrawn from the Committees on Natural Resources and Conservation and Finance, Taxation and Claims.

On motions by Senator D. Childers—

**HB 336**—A bill to be entitled An act relating to water control districts; amending ss. 298.365 and 298.54, F.S.; revising the date for certification of levy of an annual installment tax or maintenance tax to the property appraiser; providing an effective date.

—a companion measure, was substituted for SB 770 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 336 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Jennings	Myers
Beard	Frank	Johnson	Neal
Childers, D.	Gersten	Kiser	Scott
Childers, W. D.	Girardeau	Malchon	Stuart
Crawford	Gordon	Mann	Thomas
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hair	McPherson	Vogt
Dunn	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick

SB 770 was laid on the table.

On motion by Senator Grant, by two-thirds vote HB 1207 was withdrawn from the Committee on Agriculture.

On motions by Senator Grant—

**HB 1207**—A bill to be entitled An act relating to poultry; amending s. 583.181, F.S.; changing authorized procedures for the disposal of dead poultry and hatchery residue; providing an effective date.

—a companion measure, was substituted for SB 1224 and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1207 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Jennings	Myers
Beard	Frank	Johnson	Neal
Childers, D.	Gersten	Kiser	Scott
Childers, W. D.	Girardeau	Malchon	Stuart
Crawford	Gordon	Mann	Thurman
Crenshaw	Grant	Margolis	Vogt
Deratany	Hair	McPherson	Weinstein
Dunn	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick

SB 1224 was laid on the table.

On motion by Senator Grant, by two-thirds vote HB 1006 was withdrawn from the Committee on Education.

On motion by Senator Grant—

**HB 1006**—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the Board of Regents of the State University System to name the former university president's residence at Florida State University the "Gus A. Stavros Center for the Advancement of Free Enterprise and Economic Education"; providing an effective date.

—a companion measure, was substituted for SB 739 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1006 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kiser	Scott
Castor	Gersten	Malchon	Stuart
Childers, D.	Girardeau	Mann	Thomas
Childers, W. D.	Gordon	Margolis	Thurman
Crawford	Grant	McPherson	Vogt
Crenshaw	Hair	Meek	Weinstein
Deratany	Hill	Myers	
Dunn	Jennings	Neal	



Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick

SB 739 was laid on the table.

**HB 342**—A bill to be entitled An act relating to law enforcement; amending s. 843.16, F.S.; authorizing the installation of radio equipment capable of receiving law enforcement messages in crime watch vehicles, as defined by the act; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 342 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kiser	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crawford	Grizzle	McPherson	Vogt
Crenshaw	Hair	Meek	Weinstein
Deratany	Hill	Myers	
Dunn	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Jenne, Kirkpatrick

**HB 624**—A bill to be entitled An act relating to respiratory care; amending ss. 468.351, 468.352, 468.354, 468.355, 468.357, 468.358, 468.359, 468.365, 468.366, and 468.368, F.S.; replacing the term "respiratory therapy technician" with the term "respiratory care practitioner" throughout part V of chapter 468, F.S.; clarifying language; providing respective abbreviations for respiratory care practitioners and certain respiratory therapists; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 624 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Jennings	Neal
Barron	Fox	Johnson	Peterson
Beard	Frank	Kiser	Scott
Castor	Gersten	Malchon	Stuart
Childers, D.	Girardeau	Mann	Thomas
Childers, W. D.	Gordon	Margolis	Thurman
Crawford	Grant	McPherson	Vogt
Crenshaw	Hair	Meek	Weinstein
Deratany	Hill	Myers	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

**HB 913**—A bill to be entitled An act relating to forest protection; amending ss. 534.081 and 590.02, F.S., clarifying the authority of law enforcement officers of the Department of Agriculture and Consumer Services relating to open burning; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 913 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Frank	Johnson	Neal
Barron	Gersten	Kiser	Peterson
Childers, D.	Girardeau	Malchon	Scott
Childers, W. D.	Gordon	Mann	Stuart
Crawford	Grant	Margolis	Thomas
Crenshaw	Hair	McPherson	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

**HB 930**—A bill to be entitled An act relating to livestock; amending s. 534.083, F.S.; requiring that information on an application for a livestock hauler's permit be under oath; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator D. Childers and adopted:

**Amendment 1**—On page 1, strike line 24 and insert:

Section 2. Section 534.49, Florida Statutes, is amended to read:

534.49 Livestock drafts; effect.—

(1) For the purposes of this section, a livestock draft given as payment at a livestock auction market for a livestock purchase shall not be deemed an express extension of credit to the buyer and shall not defeat the creation of a lien on such an animal and its carcass and all products therefrom and proceeds thereof, to secure all or a part of its sales price, as provided in s. 534.54(4).

(2) ~~Collection for all livestock sold by a livestock market to registered dealers, producers, or farmers shall be made before the close of the next business day following the date of the sale. For livestock sold to packers, collection shall be made on the day of the sale unless the packer obtains prior written permission from the market to pay by no later than the close of the business day following the date of the sale.~~

Section 3. Subsection (3) of section 534.52, Florida Statutes, is amended to read:

534.52 Violations; refusal, suspension, revocation; penalties.—

(3) Failure to comply with the provisions of s. ~~ss. 534.49 and~~ 534.501 shall be a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Paragraph (a) of subsection (2) of section 534.54, Florida Statutes, is amended to read:

534.54 Cattle or hog processors; prompt payment; penalty; lien.—

(2)(a) ~~Except as otherwise provided with respect to livestock markets pursuant to s. 534.49,~~ A meat processor who purchases livestock from a seller, or any person, corporation, association, or other legal entity who purchases livestock from a seller for slaughter, shall make payment by cash or check for the purchase price of the livestock and actually deliver the cash or check to the seller or his representative at the location where the purchaser takes physical possession of the livestock, on the day the transfer of possession occurs or shall wire transfer of funds on the business day within which the possession of said livestock is transferred. However, if the transfer of possession is accomplished after normal banking hours, said payment shall be made in the manner herein provided not later than the close of the first business day following said transfer of possession. In the case of "grade and yield" selling, the purchaser shall make payment by wire transfer of funds or by personal or cashier's check by registered mail postmarked not later than the close of the first business day following determination of "grade and yield."

Section 5. This act shall take effect October 1, 1986.

**Amendment 2**—In title, on page 1, line 5, after the semicolon (;) insert: amending ss. 534.49, 534.52, and 534.54, F.S.; removing provisions which specify when collections for livestock sold by a livestock market must be made; conforming references;

On motion by Senator D. Childers, by two-thirds vote HB 930 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Childers, D.	Deratany	Gersten
Barron	Childers, W. D.	Dunn	Girardeau
Beard	Crawford	Fox	Gordon
Castor	Crenshaw	Frank	Grant

Grizzle	Langley	Myers	Thurman
Hair	Malchon	Neal	Vogt
Hill	Mann	Peterson	Weinstein
Jennings	Margolis	Scott	
Johnson	McPherson	Stuart	
Kiser	Meek	Thomas	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

**SB 561**—A bill to be entitled An act relating to the Lake Apopka Restoration Council; amending section 2 of chapter 85-148, Laws of Florida; increasing the membership of the council; specifying that county scientific representatives are nonvoting; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 561 to conform the bill to HB 750.

On motion by Senator Stuart, the rules were waived and by two-thirds vote HB 750 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Stuart—

**HB 750**—A bill to be entitled An act relating to the Lake Apopka Restoration Council; amending section 2 of chapter 85-148, Laws of Florida; increasing the membership of the council; specifying voting and nonvoting members; providing an effective date.

—a companion measure, was substituted for SB 561 and read the second time by title.

Senator Stuart moved the following amendment which was adopted:

**Amendment 1**—On page 1, strike all of lines 25-29 and insert: *Department; and*

5. A scientific representative from Orange County, ~~each to be appointed by their respective agencies;~~

*Each scientific representative shall be appointed by their respective agencies.*

On motion by Senator Stuart, by two-thirds vote HB 750 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Hill	Myers
Barron	Fox	Jennings	Neal
Beard	Frank	Johnson	Peterson
Castor	Gersten	Kirkpatrick	Scott
Childers, D.	Girardeau	Kiser	Stuart
Childers, W. D.	Gordon	Langley	Thurman
Crawford	Grant	Malchon	Vogt
Crenshaw	Grizzle	Margolis	Weinstein
Deratany	Hair	McPherson	

Nays—None

Vote after roll call:

Yea—Jenne

SB 561 was laid on the table.

**HB 43**—A bill to be entitled An act relating to bridge designation; designating and naming the bridge over the Choctawhatchee River on Highway #2 in Holmes County as the James Riley "Jim" Paul Bridge; providing for appropriate markers to be erected by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 43 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jennings	Myers
Barron	Fox	Johnson	Neal
Beard	Frank	Kiser	Peterson
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick

On motion by Senator Grant, the rules were waived and by two-thirds vote HB 1008 was withdrawn from the Committee on Education.

On motion by Senator Grant—

**HB 1008**—A bill to be entitled An act relating to the naming of state buildings; directing the Board of Regents of the State University System to name the music building north at Florida State University the "Wiley L. Housewright Music Building"; directing the Board of Regents of the Division of Universities of the Department of Education to name the computer science building at the University of North Florida in Jacksonville, the "John E. Mathews, Jr., Computer and Information Sciences Building"; providing an effective date.

—a companion measure, was substituted for SB 741 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1008 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Hill	Meek
Beard	Fox	Jennings	Myers
Castor	Frank	Johnson	Peterson
Childers, D.	Gersten	Kiser	Stuart
Childers, W. D.	Girardeau	Malchon	Thomas
Crawford	Gordon	Mann	Thurman
Crenshaw	Grant	Margolis	Vogt
Deratany	Grizzle	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick, Neal

SB 741 was laid on the table.

On motion by Senator Frank, the rules were waived and the Senate reverted to—

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed—

**CS for HB 70**—A bill to be entitled An act relating to checks, drafts, or payments of money; amending ss. 125.0105, 166.251, and 215.34, F.S.; increasing the service fee for returned checks, drafts, or other orders for payment of money to counties, municipalities, and the state; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

On motion by Senator Frank, by unanimous consent CS for HB 70 was taken up out of order. On motions by Senator Frank, by two-thirds vote CS for HB 70 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kiser	Stuart
Castor	Gersten	Malchon	Thomas
Childers, D.	Girardeau	Mann	Thurman
Childers, W. D.	Gordon	Margolis	Vogt
Crawford	Grant	McPherson	Weinstein
Crenshaw	Grizzle	Meek	
Deratany	Hill	Myers	
Dunn	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Barron, Jenne, Kirkpatrick

On motions by Senator Thomas, the rules were waived and by two-thirds vote SR 721 and SR 1163 were withdrawn from the Committee on Rules and Calendar.

**Consideration of Resolutions**

On motion by Senator Thomas—

**SR 721**—A resolution commending the Paxton High School girls' basketball team for winning the 1986 state championship.

WHEREAS, the Lady Bobcats of Paxton High School have won the 1986 Class IA state basketball championship, and

WHEREAS, to reach that goal, the team first had to win the district, regional, and sectional tournaments, and

WHEREAS, this is the first time Paxton High School has captured the state championship, and

WHEREAS, the team has thereby brought honor to Paxton, Florida, (population 659), surrounding communities, and Walton County, and

WHEREAS, Coach Tom Pittman and Coach Melanie Paulk have done an exemplary job of encouraging top performance from this outstanding group of young women, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes the fine achievement of the Paxton High School girls' basketball team in winning the Class IA state championship and congratulates Coaches Tom Pittman and Melanie Paulk and team members Terri Cawthon, LaJeana Daughtry, Chris Edmondson, Donna Geoghagan, Carrie Beth Haile, Leslie Harrison, Paula Powell, Tracy Powell, Sherri Pridgen, Charlotte Schofield, Cynthia Waltermire, and Cassandra Washington.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Paxton High School girls' basketball team and their coaches, Tom Pittman and Melanie Paulk, as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

On motion by Senator Thomas—

**SR 1163**—A resolution commending the Baker High School football team for its outstanding achievements.

WHEREAS, the Baker High School football team, under the direction of Coach John Enzor and his staff, has won the district and regional championships for six consecutive years, from 1980 through 1985, and

WHEREAS, the Baker High School football team has been the Class A Florida State Football Champions for three consecutive years, 1983, 1984, and 1985, and

WHEREAS, the Baker High School football team has established a new state record for consecutive wins, with 37 consecutive victories, and

WHEREAS, by such achievements, the team has received statewide recognition for excellence and has brought honor to its school, its community, and Okaloosa County, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Baker High School football team, Coach John Enzor, and the coaching staff are commended for their outstanding accomplishments on the athletic field.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Baker High School football team and to Coach John Enzor as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

On motion by Senator Grant, by unanimous consent—

By Senator Grant—

**SR 1319**—A resolution commending the Boy Scouts of America, the Suwannee River Area Council, Scout Troop 109, and G. W. Jett Johnson for leadership efforts and outstanding achievement in scouting in the State of Florida.

WHEREAS, the Boy Scouts of America has served thousands of youth since the organization's founding in 1910, and

WHEREAS, the Suwannee River Area Council is one of the outstanding Boy Scout Councils in the United States, presently serving over 3,500 youth through 167 units involving over 900 adult volunteers, and

WHEREAS, Scout Troop 109, sponsored by Faith Presbyterian Church of Tallahassee, is one of the most active Scout Troops in the Suwannee River Area Council and in the State of Florida, and has produced over 60 Eagle Scouts, and

WHEREAS, the Florida Senate wishes to recognize and commend the Boy Scouts of America and the Suwannee River Area Council in particular through recognition of an outstanding scout, and

WHEREAS, G. W. Jett Johnson, now serving as a Senate Page, is a member of Troop 109, earned every possible award as a Cub Scout and Webelos Scout and achieved the rank of Eagle Scout at age 14, and

WHEREAS, Jett Johnson has since earned the bronze, gold, and silver palms to the Eagle Scout rank, and thus he has earned the highest possible rank in scouting, in addition to 50 merit badges, including the 21 required for Eagle Scout, and

WHEREAS, Jett Johnson has demonstrated leadership throughout his scouting career as well as being an honor-roll student at Maclay School and an outstanding athlete, who holds the school track records for the mile and half mile, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Boy Scouts of America, the Suwannee River Area Council and Scout Troop 109 are each recognized and commended for their outstanding service to our youth and for their achievements.

BE IT FURTHER RESOLVED, that G. W. Jett Johnson is recognized and commended as an outstanding scout.

BE IT FURTHER RESOLVED, that copies of this resolution, with the seal of the Senate affixed, be presented to G. W. Jett Johnson and to the Suwannee River Area Council as a tangible token of the sentiments expressed herein.

—was introduced out of order and read the first time by title. On motion by Senator Grant, SR 1319 was read the second time in full and unanimously adopted.

On motion by Senator Jenne, the rules were waived and the Senate reverted to—

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Frank, the rules were waived and by two-thirds vote CS for SB 776 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Fox, by two-thirds vote SB 1115 was added to the special order calendar to be considered Tuesday, May 20.

On motion by Senator Neal, the rules were waived and by two-thirds vote SB 210 was withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, by two-thirds vote SB 926 was added to the special order calendar to be considered Tuesday, May 20.

On motions by Senator Jenne, the rules were waived and by two-thirds vote CS for SB's 517, 407 and 540 and CS for SB 973 were withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for SB 976 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Jenne, by two-thirds vote SB 1074 was withdrawn from the Committee on Judiciary-Civil and referred first to the Committee on Governmental Operations and then to the Committees on Judiciary-Civil and Appropriations.

On motions by Senator Jenne, the rules were waived and by two-thirds vote CS for SB 1177 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Thurman, by two-thirds vote SB 1124 was withdrawn from the committee of reference and indefinitely postponed.

#### **CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 14 was corrected and approved.

#### **CO-INTRODUCERS**

Senators D. Childers, Crawford, Grizzle, Hill, Mann, Meek, Myers, Scott, Thurman and Vogt—CS for SB 109; Senator Weinstein—SB 682; Senator Malchon—SB 1074

#### **RECESS**

Senator Jenne moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, May 20 at 9:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Jenne, the Senate recessed at 4:15 p.m. to reconvene at 9:00 a.m., Tuesday, May 20.